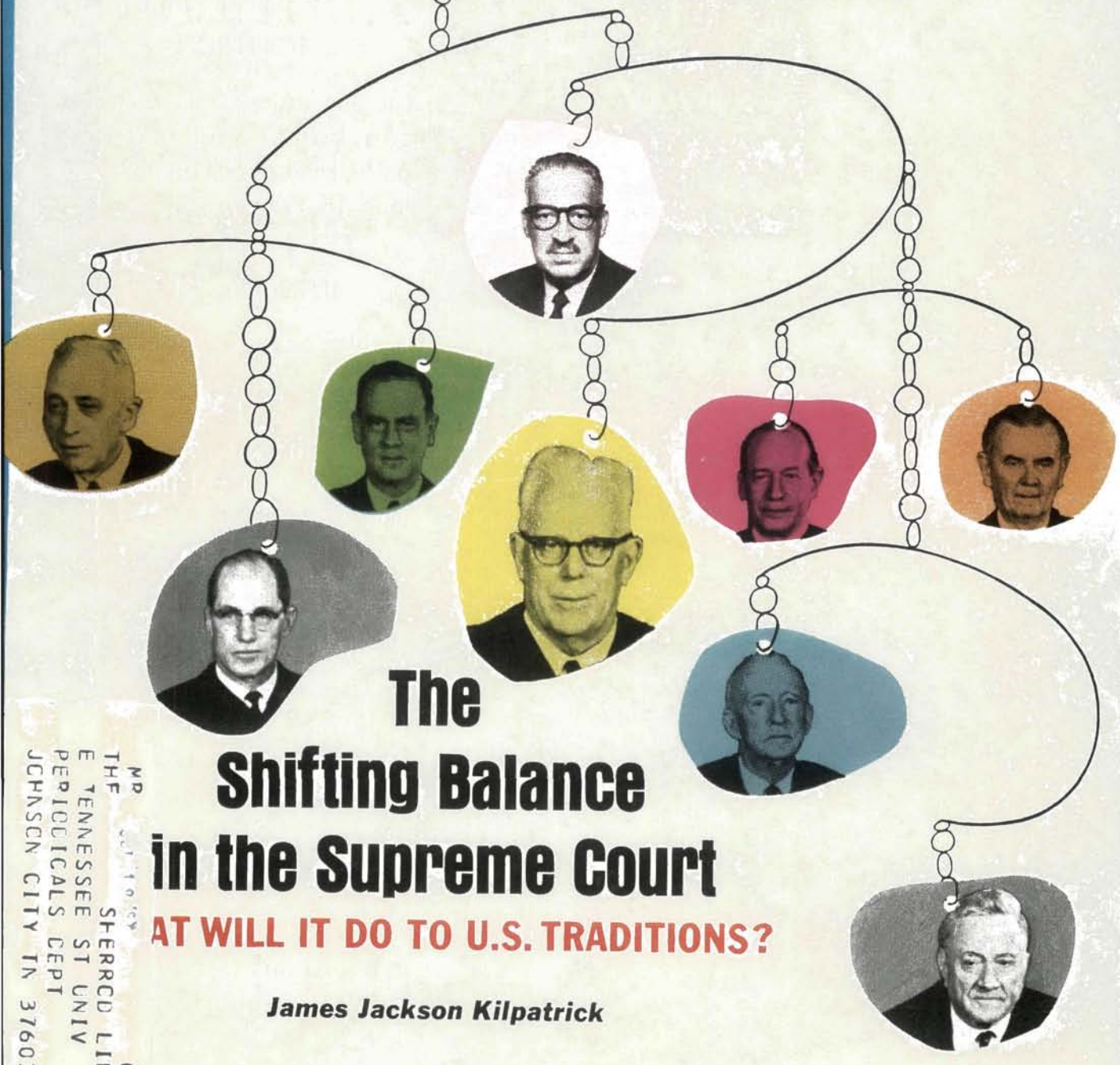
WHO ARE THE REACTIONARIES'? – SEE PAGE 809

NATIONAL REVIEW



The Shifting Balance in the Supreme Court

AT WILL IT DO TO U.S. TRADITIONS?

James Jackson Kilpatrick

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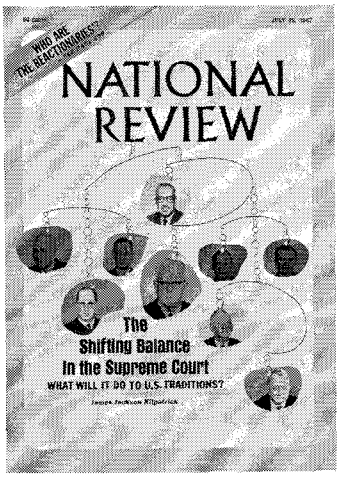
IN • THIS • ISSUE

➔ How goes the Warren Revolution? Columnist and author **James Jackson Kilpatrick** presents us with a thorough review of the work of the Supreme Court in the session ended last month. There were a few decisions, he says, that libertarians and conservatives must applaud; and entirely too many that tend to undermine our political institutions. On balance, looking back, it was bad; and, looking forward, it'll be worse. Justice Clark's retirement takes away a voice sometimes conservative; the appointment of Thurgood Marshall foreshadows a mighty strengthening of the horseblindered liberal ideologist faction on the Supreme Court. . . . What the Court isn't going to do, **John Keefauver's** Henry Littlefinger does: with the help of secret drugs, he escapes the psychedelic society and rediscovers reality. Mr. Keefauver is a free lance based in Carmel, California, and has had 113 pieces published in dozens of mags. . . . **Nika Standen Hazelton** writes a delectation on the lowly pasta, which not even Mussolini could expunge from the national diet. Her description of the great fascist anti-pasta campaign of the 1930s is first-hand; her mother was Italian. . . . **Wm. F. Buckley Jr.**, filing a report during a quick trip to California, tells something of the troubles Ronald Reagan has been facing as heir to Brown's bankruptcy; and how assiduously Reagan has pursued the principles of good government, on a paradigm not unworthy of national emulation. . . . **James Burnham** remarks that the Arab-Israel War reconfirms the three fundamental givens of the global situation. . . . **Russell Kirk** is in the mood to talk about booze and boozers, past and present, the world over. Why do some (e.g. Jews, Italians) exhibit admirable moderation while others (Swede, Scot, ancient Athenian) destroy themselves in drink? And is Mr. Pat Frawley's diphosphopyridine neucleotide the answer? *Na vashye zdorovye.* . . .



➔ Two professors of English and a professor of French literature manage the festivities of the book section. **Jeffrey Hart** (Dartmouth) reviews a new work by the English critic John Harrison, a certifiable liberal who has noticed that the best authors in recent centuries and even today seem to be conservative. Too bad, says Hart, that Harrison concludes not that conservatives may have something but that the best authors are unaccountably mad. . . . **Guy Davenport** (Kentucky) has in hand two collections of short stories and a novel, by one Argentinian and two British fabulists, all of whom deserve a careful reading. The author of a recent translation of Sappho, Mr. Davenport obviously prefers the *Kaine Diatheke* variant of Nebuchadnezzar. . . . **Thomas Molnar** (Brooklyn) tots up the plusses and minuses of Raymond Aron's newest study of politics, concluding that the French Walter Lippmann is preferable to all other Walter Lippmanns, if there are any. . . . Messrs. **Richard Corliss** and **Paul Jensen** review a clutch of lesser-known films, the best of which is Orson Welles' best since *Kane.* ➔

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TRANS-O-GRAM (July 11)

RUSSELL KIRK,

BEGINNING IN DOUBT:

Most platitudes are true: that is why they have become platitudinous. Anyone who has done much boating . . . comes to understand that "Don't rock the boat" is a most necessary axiom. . . . Only a liberal ideologue . . . will think it well to remain forever unmanned by Doubt as an end.

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LETTERS

Play It Again, Sam

Re: the random suggestions as to the Near East under the heading The Week, *NR*, June 27. I deduce that we must exclude the cinema from the list of subjects in which NATIONAL REVIEW shows any expertise at all.

It is suggested there that Hoagy Carmichael Jr. should inherit Casablanca from his daddy. To have or to have not Casablanca must have been a tough question to decide but Hoagy Carmichael Jr. gets Martinique; Dooley Wilson Jr. gets Casablanca.

Los Angeles, Cal. ROBERT C. OPPEL JR.

Fino and the GOP

I am writing with respect to your June 27 column "Focus On Washington." I am very sorry that Cato saw fit to label me a "wholesale defector" from GOP ranks. Cato cited a number of votes, among them the votes on the Poverty Program, Rent Subsidies, Model Cities and Foreign Aid. I resent the implication that I supported these programs.

As you must know, I was the leader of the House fight against both Rent Subsidies and Model Cities. Furthermore, in 1966, I offered the briefly successful Republican motion to strike the enacting clause of the year's Anti-Poverty Program extension. Lastly, I opposed Foreign Aid and I have voted against it since 1965.

I believe you owe your readers a higher standard of accuracy.

CONGRESSMAN PAUL A. FINO
24th C.D.
Washington, D.C. New York

The American Conservative Union figures quoted by Cato show that on 24 major representative issues before the House in the last six years Rep. Fino voted nine times to help provide the Democratic margin of victory (DMV), and that on all roll call votes for the same period his DMV score is 32, a record exceeded by only eight other Republicans in the 90th Congress. —ED.

The Cliché Expert

Plagiarism in NATIONAL REVIEW? Unthinkable. But I'm thinking that the piece by Victor Gold, "The Cliché Expert Testifies as a Liberal," in *NR* of June 27, is more than reminiscent of the delightful series by Frank Sullivan which appeared in the *New Yorker* in the 1940s. He called it "The Cliché Expert Testifies On . . . (whatever)." One, which a giddy young friend and I committed to memory and used to do at parties as our star turn was titled "The Cliché Expert Testifies on Atomic Energy." Even curiouser, if I may say so, is that Mr. Sullivan's "expert" was called Mr. *Arbuthnot*. (Mr. Gold's is Mr. *Libuthnot*.)

Garden Grove, Cal. MARGERY SUCHER

NR's credit line, "With apologies to Frank Sullivan," was inadvertently dropped in page proof. "Libuthnot" is Mr. Gold's variation on Sullivan's variation on Pope. —ED.

Junk Mail

I see your Resident Libertarian is fulminating again over "junk mail" [June 13]. Next time I hope he sticks his thumb a *little deeper* into the libertarian pie. He may pull out a few plums:

1. One man's junk is another man's pot of gold. Does your Resident Libertarian seriously think commercial mail could generate its $40 billion of the GNP if everyone considered it junk? Does he think businessmen would continue to use it if somebody out there didn't like it?

2. Is your R. L. keeping a straight face when he hints that he'd force the Post Office to screen the mail of every eccentric who feels his privacy affronted when

he gets a circular he doesn't want? Considerations of cost aside (or is R. L. hooked on postal deficits?), who is to decide what is junk? Is a plea for the Red Cross junk? How about a cut-rate subscription to NATIONAL REVIEW?

3. When your R. L. does away with commercial mail, no doubt he'll move on to the other kinds of advertising (dirty word!) he disapproves of. The possibilities are endless, and worthy of R. L.'s Galbraithian instincts.

4. If your Resident Libertarian would drink more deeply from the libertarian spring, he might imbibe a solution that would a) spare the already creaky postal service another crippling procedure, b) leave the 5 per cent of our economy that depends on commercial mail in peace, and c) allow people who *do* buy by mail to exercise their privilege without interference from busybodies. With a few minutes' thought, your R. L. might stumble on the individual's appropriate response to mail that doesn't interest him: he throws it away. That is the free-market approach, the libertarian solution. In case your Resident Libertarian cares.

Pelham Manor, N.Y. NEIL MCCAFFREY

1) Our question was: Can the junk mail business survive if it has to pay its way? 2) The mail is already screened. First Class is delivered first. No further screening needed. Little red flag on P.O. box will say: Stop now. 3) We won't "do away with commercial mail." We're asking junk mail to pay commercial rates, i.e. market rates. 4) People who buy by mail have no right to claim subsidized mail rates. The individualistic response is to scream Highway Robbery and get the junk mail subsidy off his neck. —R.L.

Left on Right

Unconsciously, we knew that much of the Left's portrayal of the Right is really self-description. But Professor Hart ["Little Old Professors in Tennis Shoes," June 13] has crystallized this truth for us. His formulation is classic. I salute him.

San Francisco, Cal. THOMAS E. SCHAEFER
Associate Professor
University of San Francisco

Fascist Martyrs

Max Geltman in his article "The New Left and the Old Right" [June 13] mentions that Leo Schlageter, whom the Communist International tried to build up as a national revolutionary symbol, was killed in a street brawl. Actually Schlageter was tried and executed by the French army of occupation for proven acts of sabotage in the Ruhr Valley.

It was Horst Wessel, the author of the Nazi Horst Wessel song, who was killed in a street brawl in Berlin.

Bronx, N.Y. LEON KOENIG

A Reply

Mr. Koenig is right, of course. The point is, however, that both Schlageter and Horst Wessel were members of that "armed bohemia" (the phrase is Konrad Heiden's) whom International Communism and Nazism were courting at the time. They were both of them representative of the "speechless apostles of the deed" (to quote myself) who did so much to undermine the orderly processes of government in an effort to bring about the Milleninum of the here and now. In Albert Leo Schlageter (to give him his full name), Karl Radek for the Comintern, and Hitler for National Socialism, found a martyr.

New York, N.Y. MAX GELTMAN

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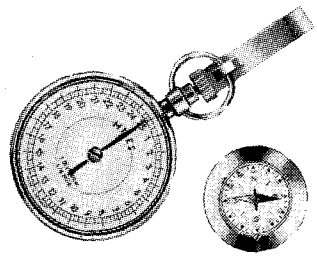

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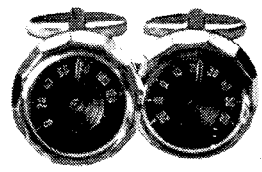

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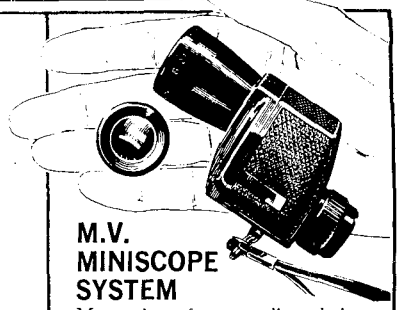

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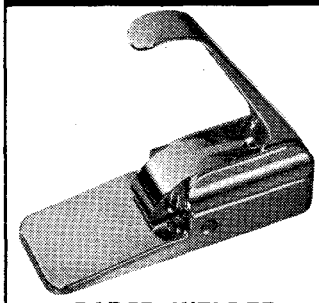

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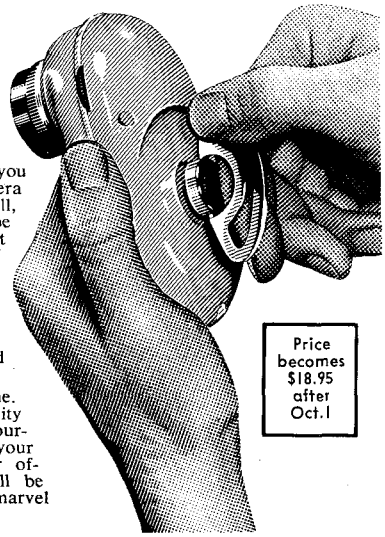

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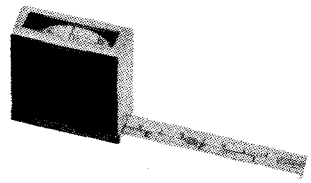

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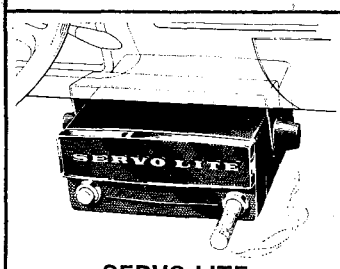

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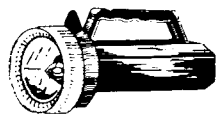

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The WEEK

● New York is a swinging town under John Lindsay, of that there's no doubt. There's bike-riding in Central Park every Sunday, there are happenings in the Bronx and "wed-ins" (nine couples *al fresco*) in Brooklyn. Lindsay himself goes everywhere, attends everything (except drags like a "Support Our Boys in Vietnam" Fifth Avenue parade), and is much concerned this summer to keep temperatures low in fractious neighborhoods by providing ebullient counter-attractions. Hence the Jazzmobiles. Lindsay followed one, featuring Billy Taylor, up to Harlem one evening in company with good ole Jesse Gray, the rent-strike leader, but soon the noise from Gray and his pals and a crowd of five hundred teen-agers they attracted drowned out the music. The crowd shoved and punched. "Cool it," yelled Jesse helpfully, "but let Lindsay know What We Want." "We want Jobs," yelled the crowd. "We want mansions, too." Smiling, the Mayor made as if to speak. "Get that cracker!" the crowd yelled. Smiling, the Mayor dove for his limousine. "He's got some nerve coming up here, that cracker!" they yelled, smiling. Smiling, the limousine scuttled away. An hour later Lindsay joked with reporters. "There was no problem," he said. "I think I accomplished what I intended to," he said. Smiling.

● Liberals may be in trouble with the voters but their bank balance prospers. The National Council for an Effective Congress is their main fund-raising front organization (note that liberals consider themselves alone effective—roll on the one-party state). NCEC's twin consuls, Henry Steele Commager and Barbara Tuchman, last month sent out an appeal to wealthy East Coast backers. The total raised is already in six figures. Lucky recipients are Democratic Senators Church, Clark, Fulbright, Gruening, McGovern, Morse, and Nelson and Republicans Aiken, Javits, and Kuchel. Archibald MacLeish has also appealed to 2,000 liberals on behalf of embattled doves Church and McGovern—and raised $10,000. Messrs. Schlesinger and Galbraith have helped to extract another $13,000 for McGovern. The Council for a Livable World (from which presumably all but liberals will be exterminated) in Washington, D.C. is also touting McGovern and Nelson. (Instead of running for election, why doesn't McGovern just buy South Dakota?) In 1964 and 1966 NCEC spent over $700,000. It also provides a secret strategy nexus where such liberals as Senator Hugh Scott and Brad Morse can foment intraparty strife.

● Proponents of pending gun control legislation scored heavily at a Senate subcommittee hearing last week with a full-page ad in *Shotgun News* by a Yonkers mail order house, which offered an array of riot guns, automatic rifles and carbines under the heading, "Long Hot Summer Special." The ad is a shocker, even read the way Yonkers probably intended it to be read, as appealing less to the rioters than to the rioted against. But even if the Senate were to succeed in disarming, say, intimidated white Los Angeles, insurrectionary black Watts would still have its major weapon, the Molotov cocktail, which can be manufactured within the law. And unless the Senate wants to begin by banning kerosene and rags there isn't much it can do, relative to riots, to control the weapons problem. The Administration's gun control bill has merits and demerits and those who are pushing it hardest, like the senators Kennedy, should refrain from suggesting that it shouldn't be argued about. We should argue about it, the more vigorously because the whole debate has been forced upon us by the climate of lawlessness and self-abandon promoted by the revolutionary Left—not, as the Kennedys seem to think, by the embattled Right.

● Convention season for civil righters is further fragmenting the movement. In Oakland, California, CORE struck out "multiracial" from its membership clause. National Director Floyd McKissick said that the resolution didn't have the effect of excluding white people from CORE. But he also claimed that the civil rights movement was dead and a black revolution had emerged. McKissick honored Cassius Clay as "one of the great Americans" and said there was conspiracy afoot to "castrate any black man who stands up for the truth." But in the more peaceful pastures of NAACP's convention, Roy Wilkins denounced black power as "provocative, antagonistic" and further stressed the split between NAACP and Dr. Martin Luther King's Chicago Freedom Movement (now launching Operation Breadbasket, a boycott of stores and manufacturers who don't employ Negroes). But Wilkins, still ducking the Uncle Tom tag, said there would be more race riots unless the whites did more to help Negroes gain jobs, housing and economic security. Senator Edward Brooke also denounced black power as "a betrayal of the most profound beliefs and principles of the movement itself." But, he added, "black power is a response to white irresponsibility." Is white power, by the same reasoning, a response to black irresponsibilty?

● In spite of all temptations to lay off, Citizens for Kennedy-Fulbright are still throwing spanners into the Democratic machine. Charles O. Porter, K-F chairman, plans to enter delegates in at least half a dozen Presidential primaries. The poor man's peaceniks will be on offer in Massachusetts, West Virginia, Wisconsin, Illinois, Oregon, and D.C.—perhaps Nebraska too. When the California Democrats convene in September, they also may come out with some kind of Kennedy peace ticket. Porter counters

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12B

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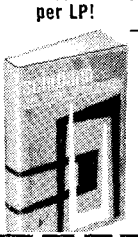

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the contention of Kennedy aides that an RFK drive in 1968 will harm his chances in 1972 by saying: "President Johnson's prime purpose in his second term will be to cut Kennedy up badly before 1972."

● Despite the klieg-lit coziness of Glassboro, less spectacular conversations between American and Soviet representatives are being conducted in chillier climates. The Communists have adopted a harder line than ever toward the United States, Rep. John Ashbrook (R., O.) said last week on his return from an International Labor Organization meeting in Geneva: "The atmosphere, in our dealings with second- and third-ranking Communist officials, was one of undisguised hostility and suspicion." Bridges to the East? The Communists "are not about to listen to any talk of détente as promoted by the Johnson Administration. . . . the Administration's talk of peaceful coexistence and accommodation is a subject of contempt and ridicule. . . . They submit to listening only as a matter of tactics. They want to see how far we will go in our manufactured foolishness."

● We have an agreement with USSR, see? The Exchanges Agreement. It says we will encourage the distribution in our country of their periodicals and books, and they'll vice versa. Their *Sputnik* has just begun to appear in the U.S. Mr. John Herbert of the Magazine Publishers Association wrote to the State Department to inquire if the USSR is encouraging the circulation of anything American within the USSR. Deputy Director Arthur Wortzel (you remember *him*) of the Soviet and Eastern European Exchange Staff replied that they were working on it . . . "without result . . . Soviet authorities have not permitted open circulation of non-Communist Western periodicals except for the official United States magazine, *Amerika*, and an analogous British publication." So why stick to our side of the agreement if all it means is a one-way street for Soviet propaganda? The Thaw, probably. Came, thaw, conquered.

● The Vietniks pursue their incestuous chatter. The National Conference for New Politics plans a convention in Chicago next month to devise an anti-Vietnam war ticket for '68. Guests will include CORE, SANE, SNCC, the DuBois Clubs, the National Council of American Indians (complete the list yourself). Some urge a King/Spock peace ticket. Others prefer a favorite son strategy to block Johnson in key states, featuring such local heroes as Adam Clayton Powell. ADA meanwhile has started a lavish Negotiation Now! advertising campaign. Its only concrete advice seems to be Stop the Bombing. But ADA National Chairman J. K. Galbraith went further in advocating that the U.S. adopt an essentially defensive strategy limited to the populous coastal area and allow "Vietcong hegemony over the large areas of South Vietnam ruled for more than twenty years by the NLF." This would mean getting the worst of both worlds —losing the war *and* getting American troops stuck in South Vietnam.

● "After two thousand years of discrimination and persecution, the Jewish people deserve a national home. The Union of Soviet Socialist Republics knows about the tragedy and suffering of the Jewish people in the last war. Historical justice and human dignity require that the refugees get a place in the land of their ancestors. British imperialism kept them for a long time from the coasts of Palestine. The division of Palestine into a Jewish and an Arab state will change this. The Soviet Union supports the right of the Jewish people to the country which belongs to them." From the works of that well-known Zionist-imperialist, Andrei Gromyko, 1947 edition.

● Documents found on the body of a North Vietnamese soldier have revealed a bizarre plan whereby the Communists would strip the bodies of American dead and send all personal articles to certain antiwar groups in the U.S. The articles would then be used to torment families of the dead soldiers; i.e. a ring might simply be mailed to a widow as a gruesome practical joke. Washington isn't saying what segments of the antiwar movement are involved.

● The young-and-growing New York Conservative Party scored a significant victory last week when Charles E. Rice (Professor of Constitutional Law at Fordham and occasional contributor to *NR*) was named a delegate to the state's Constitutional Convention in a special runoff election in a once heavily Democratic Bronx district. In the regular election last fall Mr. Rice, running with Republican and Conservative endorsement, managed to tie his Democratic opponent; the second time around, he won with almost 60 per cent of the vote.

● A conclave of delegates of the Textile Worker Union, meeting in New York this spring, voted to urge the Federal Government to cut off contracts with firms that are alleged to be repeated violators of federal labor laws. Wrong on both counts. As to procurement, the only legitimate interest of the government is acceptable quality at the lowest price. As to the labor laws, if the government finds them unenforceable it should either repeal them or rewrite them.

● As the gold crisis moves inevitably closer, there is ever more frenzied talk of "paper gold"—i.e., bank-draft substitute for the one universal tang

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ble money. The argument has been heard that it is not the $35-an-ounce promise that maintains the prestige of the dollar, but the dollar's prestige which keeps the price of gold at $35. Dr. Melchior Palyi, the eminent economist and columnist, refuted that point nicely not long ago: "Suppose grocery shops would issue green stamps which the public can redeem only for chickens. Now, if the stores stop redeeming the stamps, what would become worthless —the chickens or the stamps?"

More Men or New Thinking?

It's like *Ten Little Indians* backwards: each verse sounds just like the one before, but the figures keep going up. "Twenty thousand soldiers bogged down in the mud. Along came Robert and then there were thirty. Thirty thousand soldiers bogged down in the mud. Along came Robert and then there were fifty ...." We've got to the ninth verse now. It begins, "480,000 soldiers bogged down in the mud," but we haven't yet been told how the second half goes. There are rumors that this time Washington is going to think a while before granting General Westmoreland's request for another hundred thousand or so. About time.

It is conceivable that this additional 20 per cent jump in the number of Americans present might make the critical difference, but by the form sheet it doesn't seem likely. North Vietnam and the Vietcong have all along been matching our gradual rise in manpower. No reason has been given why they would not be able to do so for another round. The optimistic estimates from Gen. Westmoreland's staff of how well the war is going, combined with the plea that we will be over the hump if another couple of divisions are sent, have been heard too often to sound convincing. You don't have to be a military expert to see that the war in Vietnam is *not* going well; it does not in fact seem to be going at all, but to be stuck in a gear-grinding dead center.

The question the White House, Pentagon and public should face up to is not whether there are too few American troops in Vietnam but whether there is something radically wrong with American strategy. The cracks about borrowing Moshe Dayan are no doubt superficial. The conditions for air and desert warfare against a conventional enemy setup have nothing specific in common with what we face in Southeast Asia. But the basic principles of strategy presumably hold in both cases; these governed the Israeli operations, but have been neglected in ours. The Israelis defined a clearcut military objective—the smashing of the enemy force. They achieved surprise in striking a hard and concentrated series of blows at the enemy's key centers. We have failed to define an objective. Our policy of gradualist escalation rules out strategic surprise. We have not yet struck heavy or concentrated blows at the main sources of enemy power.

Is it not ridiculous, really, to send a squadron of million-dollar jets to destroy a couple of trucks on a road when a thousand truckloads of military supplies are simultaneously being unloaded in Haiphong harbor? Is it not tactically suicidal to forbid our Marines from seeking out the enemy in his sanctuaries just above the DMZ when he is free to fight where and when it is to his maximum advantage? You'd think McNamara's cost-efficiency slide rule would be capable of proving the absurdity of that sort of equation. We have entangled our operations in a set of political, diplomatic, humanitarian and ideological restrictions that make no military sense; indeed, no sense of any kind.

No matter what the strategy, it still might be necessary to supply more troops. But before granting this latest petition to send them, the court of public opinion would do well to issue an order to the petitioners to show cause why they should not be refused.

The Week's Wars

Soon there'll be a war for every taste. The Mideastern show—which continues on a reduced but still noisy scale—is just the dish for most of those who won't go for the long-run production in Southeast Asia. The rest should be able to find something among the latest offerings of this summer season.

The new Congo happening adds a touch of James Bond to the Theater of Cruelty and the Absurd. The opening scene, in the aircraft aloft between Ibiza and Palma, is almost pure Bond, indeed: British plane and pilots, Liechtenstein corporation, Spanish guards, Belgian lawyer and wife, Congolese exile Tshombe and French gunman. The mood shifts toward the Marquis de Sade style customary in this equatorial school as "the loyal troops," regaining control in Bukavu, chop up a few dozen bystanding blacks and whites to express their resentment. The U.S. plays its usual Congolese role of *diabolus ex machina*: silent as a ghost concerning the act of piracy in international air space and the gangster behavior of the Algerian government in jailing incommunicado a planeload of foreign citizens; speedy as Batman in dispatching three big aircraft and 150 "logistic support personnel" to bolster CIA's man in Kinshasa, General Joseph Mobutu. Congolese Ambassador to the UN, Theodore Idzumbuir, serves as round-the-clock Chorus, accusing Belgium, Spain, Portugal, "the colonial club," an "international mafia," "international profiteers" and sundry exploiters and corporations as plotters against the Congo's well-known order, peace, happiness and prosperity. ➔

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Focus on WASHINGTON

◆ Returning from July Fourth holiday, the 90th Congress found a resurgent Lyndon Johnson, once again indulging his habit of flaunting self-promotional public opinion surveys at the drop of an issue. The question, "Do you really think Johnson will run again?"—a party conversation opener (or stopper, depending on the party) last month—is no longer being heard in public here. What, indeed, has happened to deliver Johnson from his Gallup/Harris depths of only a month ago? Here, even seers falter. Whatever has happened is potent, certainly, but like Muhammad Ali's "phantom" punch, better gauged than seen. Perhaps the best answer, the only answer, lies in a remark attributed to John F. Kennedy, when his Gallup rating shot up following the Bay of Pigs. "It's just like Eisenhower. The worse I do, the more popular I get."

◆ Though not a rubber stamp like its predecessor, the 90th Congress has yet to develop a stamp of its own. The posting of Club rules in the Powell and Dodd cases is its most perceptible mark to date. Perhaps, as Senate Majority Leader Mansfield suggested last winter, no Congress succeeding the pell-mell 89th should be called on to do more than simply keep a tidy legislative chamber. But there is another diagnostic possibility, one involving the Majority Leader. It could be that what ails the 90th, apart from any historical attrition of the powers of the legislative branch, is an infectious lassitude caused by an enervating decay in leadership. Consider: the Long-suffering Majority Leader is himself said to be weary and contemplating retirement, while his Whip's own crisis-in-direction is well known; the Senate Minority Leader has become more legend than leader, while *his* second-in-command remains, as always, a Whip without a snap. On the House side, the Speaker's age, together with the Majority Leader's illness of last year, bespeaks a caretaker operation at best, while the Minority's collective leadership tends at critical times to be uncollected and noncohesive, a lingering aftereffect of the sharp family fight that brought it to power. Yet anticipation, the political realist's substitute for hope, is not lost on Capitol Hill. Major legislative tests on both foreign and domestic fronts lie ahead. More vigorous spirits, already grown impatient with the generation that knew Lyndon during his Senate cloakroom days, may yet strike out to save the 90th.

◆ The *Washington Post,* in a truly remarkable editorial, states that the District of Columbia School Board "has the responsibility to run the school system" and therefore "does not deserve the distraction and harassment of continued legal attacks" which private citizens may make against the court order in *Hansen* v. *Hobson.* This is the Judge J. Skelly Wright order that outlaws "de facto" segregation in the National Capital school system. The respondent in the case, Dr. Carl F. Hansen, former superintendent of the D.C. school system, thought to make an official appeal, but was denied that basic civil right by a School Board which since last year has been weighted by militant civil rights activists. A decade ago Hansen won national recognition, and the slings of the Yahoos, for his role in desegregating D.C. schools. Now he is talking in terms of making the appeal as a private citizen, if possible. But the Board, the *Post,* and of course, Julius Hobson, the local rights leader who started it all, have what they want and are afraid of possible reversal by—of all ironies—the U.S. Supreme Court. "Even the most willing Board would be justified in feeling a tremor of apprehension at the possibility of continuously having to take its decisions to the Federal Courthouse for approval," argues the *Post,* deploring the threatened Hansen appeal. Strange that the same point was not made months earlier when private citizen Hobson—whose other activities include calling a general D.C. pupil boycott (failed) and a drive for mass Negro bankruptcies to disrupt the local economy (pending)—filed his suit. Never mind, says the *Post,* the immediate problem is for the D.C. School Board to get down to the business of choosing Hansen's successor. And the New Yahooism of racial militancy being what it is these days, it will be a Hobson's choice, even if nothing else commends it. —CATO

In Nigeria the action is more in the sentimental, domestic-drama tradition. What is, in fact, most remarkable about the Nigerian performance is the seeming absence of any interference by outsiders, except for the poor Shell Oil Company that was caught in the crunch between the Ibo East, where its wells are, and the Hausa-run Lagos government with which its contracts were signed. Both segments of the flower of African democracy are headed by gung-ho Sandhurst graduates. Neither side has much in the way of armies or weapons, but by latest reports they are managing, one way or another, to maim and kill each other in satisfying quantities.

Then, for those more than ready to bid Africa *addio,* there is the Hong Kong diversion. Though for several months the British governors have been trying to whistle the fact away, it looks more and more likely that Peking is aiming to do another Macao: that is, to reduce the atavistic foreign-ruled Hong Kong appendage to a fully subservient Chinese Communist organ. In Macao the Portuguese could not resist the ruthlessly applied pressure (see *NR* July 11). Now the pressure is turned on the British in Hong Kong. Their position is stronger and their policy, so far, much tougher, but they cannot hold out indefinitely if Peking decides to bear all the way down. Hong Kong as a free port under British sovereignty is of vast economic benefit to China—as

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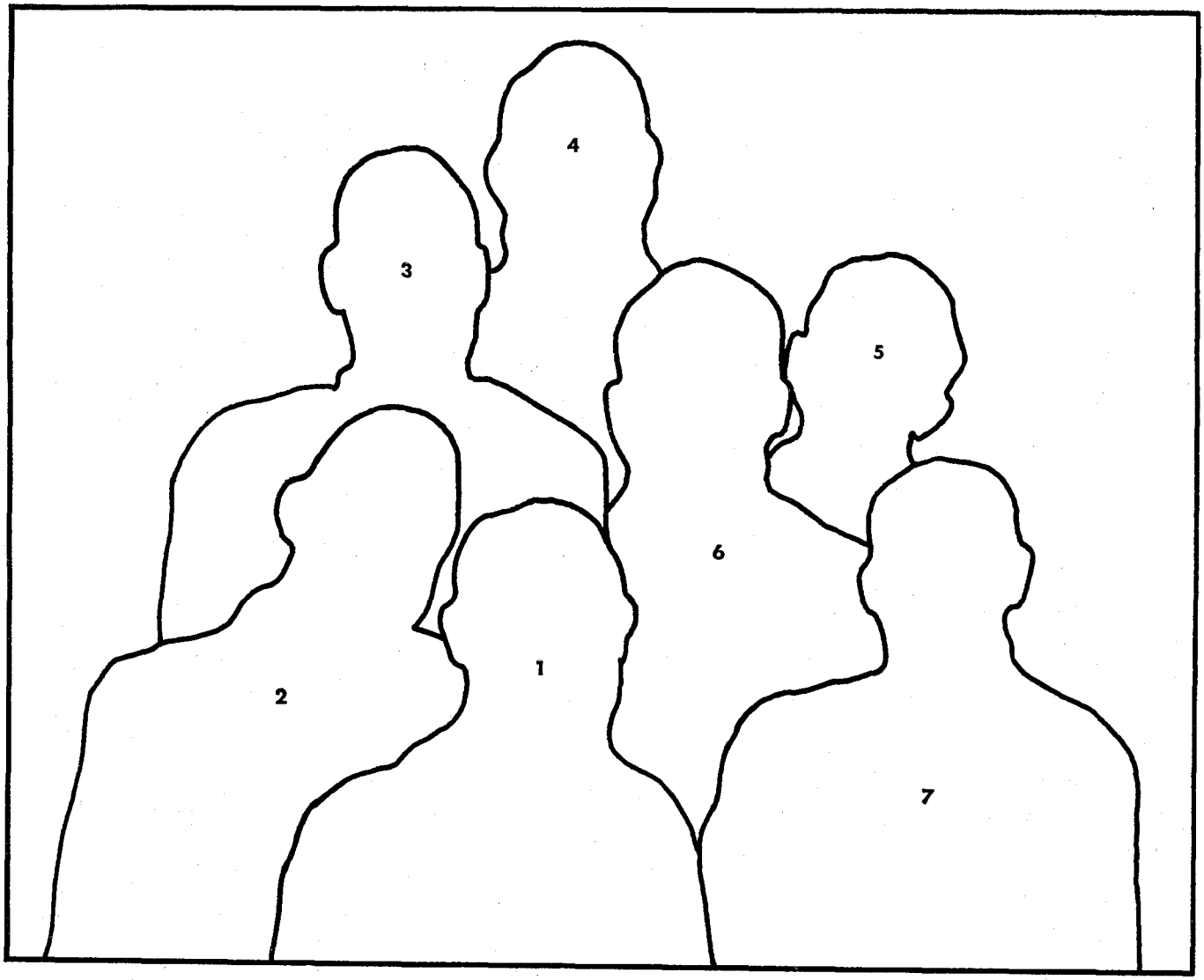

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it is to Britain and British business. It is hard to believe that anyone would be so irrational as to destroy such an asset, but the Great Proletarian Cultural Revolution indicates that rationality is not a cardinal virtue in the Chinese catechism. Peking's aim, though, is probably short of an outright ouster of the British. More likely, as in the case of Macao, the Chinese Communists want to force the British government to eliminate from Hong Kong everything that injures or offends them politically: the Western intelligence activities, reception of defectors, anti-Communist papers, magazines and organizations, Free Chinese representatives and adherents, hospitality to American troops, and so on.

Finally, way off-off Broadway for its tryout but possibly destined for a major production this autumn, there is the almost invisible guerrilla war in the Bolivian highlands, just over the Argentinian border. The rumor grows that the long vanished Che Guevara is directing the performance. A wandering French journalist and Communist, Régis Debray, before being captured by the Bolivian army, sent out what purported to be an interview with Che, and photographs. The Pentagon has flown down a team of specialists at the request of the Bolivian government, which has also asked Argentina—Che's motherland—for help. In the mining towns not far from the mountain country where the guerrilla units have been spotted, the Marxist-led tin miners are giving the guerrillas the indirect but formidable support of strikes, shutdowns and riots.

Good Old Whatzisname

Nikita Sergeevitch Khrushchev trundled fatly around the grounds of his cozy *dacha* last week, reminiscing as he went. Thanks to NBC, millions of Americans watched him—in some puzzlement, no doubt. Bad Sir Brian Botany has mellowed, it seems, into a sort of Father Barbour-*cum*-Foxy Grandpa. He's twenty pounds lighter, off the sauce, reads a lot (including *With Kennedy,* by Pierre Salinger), likes to romp with the grandchildren, and, well, according to narrator Edwin Newman, he's just (heh-heh) another "senior citizen facing the problems of retirement."

His life and rise to power? Born in log cabin, mother took in washing. Joined the Party, became minor official. Became major official, served in the war. Rose to summit of power, forced out, now he's an "unperson." Ever do anything naughty? Well, NBC allowed as how there was that little hanky-panky power-play at a leadership training school in 1929, and then he was little rough on the working-folk who built the Moscow subway (there was this deadline, see—and besides, "he worked almost as hard as anyone else"). His role as political commissar in the Ukraine during World War II? "Through all this, he was a devoted family man." (To his own family, we must assume; no mention of the Ukrainians whom he ordered shot.) Pounding his shoe at the UN? No mention. Budapest, 1956? An unplace.

Now he is an exile, remembering Eisenhower and Nixon ("that no-good"), Kennedy ("I liked his face"), Mao ("a petit-bourgeois"), Stalin (whose excesses he now blames on the influence of Beria, definitely an unperson). In the Cuban missile confrontation, he won: "Our aim was to preserve Cuba, and Cuba still exists." Yes, it does. NBC did not forgive and forget, to be sure—it never remembered. In 1934, said Khrushchev, "everything was right, everything was fine, there was no opposition." Newman's gloss: "An absence of opposition can be brought about in many ways. One way is shooting people. But if Khrushchev wants to believe that everything was fine, that's his business." It is NBC's business, and ours, to remember how it really was.

39,999,999 Frenchmen?

Charles de Gaulle continues to get away with it because after nine years of Gaullism there is no political force in the land that has the power or the means or the mechanism to down him. But his latest stand, on the Mideast question, is unpopular up and down the land and may end him up in the kind of trouble that will eventually mean the defeat of Gaullism, whether de Gaulle himself is still on the scene. The facts are these. France was one of the first and has been through the years one of the staunchest supporters of Israel. France was an ally of Israel and Britain in the Suez adventure of 1956. The Israeli army was to a large extent supplied with French planes and tanks; many of her officers were graduates of French military schools and colleges. In a recent poll, 56 per cent of the French came out pro-Israel, only 2 per cent pro-Arab. France fought a series of war—brutal, bloody, cruel wars, from 1954 to 1961—with the Arabs, first in Morocco and Tunisia, then in Algeria. A lot of the crimes in the big French cities, from Marseilles to Paris are committed by the underpaid, overworked, and badly housed North African workers. When France cut away from Algeria she had to integrate nearly one million bitter ex-Algerian colonials, many of whom have never forgiven de Gaulle. To cut Algeria loose, de Gaulle was forced to turn on his initial supporters —Bidault, Soustelle and later the generals. He was forced to destroy the cream of the French army, to strip the glory from the Foreign Legion.

When he announced to his Cabinet that France would support the Arabs and the Communists in the United Nations and vote a motion of censure against Israel for aggression, he permitted no discussion. That

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JULY 25, 1967

From the Hip

Vacation '67: Things Are Heating Up

ROBERT M. PATRICK

Summer gives me a warm feeling.

I know that many people like to lazy around on vacation—stay home and putter, or sneak off to some quiet spot and, mainly, do nothing. Not this correspondent. I like to *do* something when I'm not working.

Just yesterday Bill Buckley said to me: "Bob, *mon vieux,* where are you off to this year?"

"Well," I rejoined, "I *had* planned to take a slow freighter to Rotterdam, then a canal boat about the Low Countries and down through France to Marseille, thence home by modern, fast U.S. cargo liner. But I've changed my mind."

Patrick

Although Bill said *he* wouldn't change his mind about a vacation like that, I think I convinced him that I made the right choice. Here's what I said:

1) I can take a vacation like that *anytime;*

2) This year, I believe it will be much more exciting to stay close to home and *prepare for the months ahead;*

3) Therefore, I intend to slap the "On Vacation" sign on my door, and *go right on working away inside* (my cubicle is air conditioned).

Good Thinking!

Actually, there's a good deal of sound thinking behind my decision. For instance, do you realize that, in just a few months, it will be *fall?* And you know what *that* means: it means that Politics '68 will be the order of the day. Lyndon, Romney, Reagan, Rocky, Percy, Lindsay, Nixon, Bobby — the whole lot of them will descend upon the scarcely-returned vacationist, bringing him — unprepared as ever — rudely back into the real world.

But of course *you are* prepared. With your trusty *National Review* near at hand, *you* can follow the labryinthine ways of the Great Game, thumbing through NR like a program at the ballgame, telling the sheep from the goats.

But how about your friends? Do *they* have *National Review* near at hand? Could they focus instant recognition on, say, a goat with a good press agent? Ahh readers, don't take any chances, and *don't delay*: use the card facing this page to introduce someone *you* know to NR *now,* so that his first copies will arrive at exactly the right time—when the action starts.

I've checked downstairs,* and I know our circulation people are ready.

Now Is the Time

"Oh yes, Mr. Patrick, we're ready," one of the brighter young circulation people told me, confirming my own visual impression (go have a look-see for yourself is my motto). "Just take a look over here," she went on, leading the way with a sprightly step and a healthy swish of her prim mini-skirt. "See? Desks, pencils, paper—carbon and regular—ZIP book (most of our people remember to include their ZIP code, of course, but we have a book just in case the unthinkable happens), and here's a big envelope labeled 'Days Orders' just waiting for all those cards your friends are going to send us! Exciting, isn't it?"

I agreed, and promised to spread the word, She smiled prettily. When I got back to my cubicle, it dawned on me that I needed an extra pencil myself.

Kathleen couldn't have been more gracious about lending me one, and smiled prettily again when I left the second time.

You know, you really do people like Kathleen a great favor by sending in your introductory subscriptions right now. Like every other business, mailing operations slow down a bit in summer—handling your order *now* is *much* easier for them. So you'll be doing *everybody* a favor (e.g., your friends and us) if you use-the-card-facing-this-page-today to introduce someone you know to *National Review!* Join me in getting the jump on the fall—mail the card *today.*

And if you're in the neighborhood, feel free to drop in. That "On Vacation" sign on the door doesn't mean a thing to my friends.

* Ready is hardly the word: they're *computerized.* No fooling. It all happened so fast that I hardly knew a thing about it until I looked at the spanking-new label on my personal subscription copy. Now they can *really* give your friends fast service. By the numbers!

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was the order. He had told Israel not to attack. Israel had not obeyed him. Vaporize Israel. The facts of that meeting were leaked by members of his own Cabinet. Only four of the 28 members wanted to go along; War Minister Pierre Messmer all but resigned; Premier Pompidou (of the Rothschild Bank) exchanged angry words with the President. Suddenly de Gaulle found himself supported only by the Communist press; the other members of the Alliance of the Left, many of its leaders Jewish, were against him. He was attacked in *Figaro*, the moderate morning paper that has so often supported him, by the Big Two—Raymond Aron and André François-Poncet, former ambassador, member of the *Academie Française*. Francois-Poncet put the feeling of a bewildered nation into context in a front-page editorial that concluded:

"It seems we have broken with the Americans and our NATO friends only to throw ourselves into Soviet arms. We are assured the Russians have changed. But that is not the impression they give in the Far East and the Mediterranean. It was prophesied long ago that Gaullism would end in Communism. This was laughed at. Today it is a disturbing thought."

Labor Jottings

1) The National Right to Work Committee has been quick to point out the ominous possibilities of the Supreme Court's decision last month in the Allis-Chalmers case (see James Jackson Kilpatrick's discussion, p. 804, col. 1). The principal area of contention is coercive unionism, and Justice Black gave the clearest warning in his dissent: "If the union uses the union security clause to compel employees to pay dues, characterizes such employees as members, and then uses such membership as a basis for imposing court-enforced fines upon those employees unwilling to participate in a union strike, then the union security clause is being used for a purpose other than 'to compel payment of union dues and fees.' It is being used to coerce employees to join in union activity in violation of Section 8 (b) (3). . . . Today's decision makes it highly dangerous for an employee in a union shop to exercise his Section 7 right to refrain from participation in a strike called by a union [of which] he is a member by name only."

2) The AFL-CIO's political arm, COPE, took a wide-reaching survey of the attitudes of the membership after the last elections; and turned up some bad news, bosswise. It seems there is a growing gap between antiquated passions of the elderly labor leadership and the more orthodox ("bourgeois," say the labor bosses) aspirations of the young members. Younger union members with a house in the suburbs, a couple of cars, and children to send to college aren't worried about the class struggle, hate higher taxes, are cool on welfarism because it bites their paychecks, are astonishingly inhospitable to mechanical schemes for racial integration, oppose vast increases in Social Security, are not proud of being union members, wouldn't oppose state right-to-work laws, and should by no means be counted as automatic pullers of Democratic voting levers. It is even said that the union survey predicts that *any* Republican can beat Lyndon Johnson in 1968.

3) Walter Reuther, the *vieillard terrible* of the union movement, has served notice on the auto industry that he expects a three-year contract that will provide for 6 per cent annual increases in pay and fringe benefits, a guaranteed annual wage, and a form of profit-sharing for the employees. These demands he pronounced in a three-hour speech to the management of General Motors (it has often been remarked that the Left has a weakness for marathon oratory—*vide* Castro, any Soviet premier, Mao, Lumumba, Ben Bella, Nasser, Ulbricht, and so on). Reuther's demands were reported in the press with nary a tear shed for the Administration's so-called "guidelines" that would have crumbled at the 3.2 per cent level. The guidelines were always misbegotten; it is interesting that the general press has quietly

347 BILLIONS OF DEBT
LBJ
THE GREAT SOCIETY
THIS "PROSPERITY"
OUR LEADER: "Let's hope no one notices how clever we are."
With apologies to the NEW YORKER

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withdrawn its serviceableness in this endeavor. Reuther says he doesn't want a strike—which may be true, if the AFL-CIO poll can be trusted. A long strike, imposed on restive members, might indeed swing the labor vote to the GOP. Reuther wouldn't like that.

4) A right-to-work organization is starting up in California this year, and its future is uncertain. All observers agree that former Senator William Knowland's defeat in 1958 was largely owing to his forthright stand in favor of right-to-work (i.e., anti-union-shop) laws. Governor Reagan campaigned on a more complicated labor platform: he'd repeal 14 (b) of Taft-Hartley (which permits state right-to-work laws) on the grounds that the Federal Government has no business either permitting or prohibiting state laws in this area; he'd let each state decide for itself; and he'd urge California *not* to adopt a right-to-work law. Instead, he has plugged incessantly for a greatly amplified use of the secret ballot in union affairs, and for a greatly expanded number of issues and policies that should be put before the membership for disposition by secret ballot. Union leaders resist the proposal, of course; but are stymied because they don't want to be seen fighting too openly against such obviously democratic procedures. Reagan's labor bill, incorporating these ideas, is bottled up in committee, but he'll plug for it next year.

Understanding the Holy Land

In 1095, Pope Urban the Second
Decided the Holy Sepulcher beckoned:
He offered participants days of glory,
Plus a shortened stay in Purgatory.

That was the *First* Crusade. The Second
(This time it was Louis VII who beckoned)
Was lured astray by a glittering plum
Which it promptly swallowed: Byzantium.

Pope Gregory VIII urged on the Third,
But Saladin proved "the early bird."
Though Richard the First was terribly firm,
Jerusalem wound up Saladin's worm.

The Fourth Crusaders' rep is black,
Since Constantinople got the sack;
The Kids' Crusade is *most* unsavory,
Since lots of the tots were sold in slavery.

The Fifth? It flopped. The Sixth did, too.
The Seventh, despite the derring-do
Of Louis the Ninth (who went into hock),
Gave everything up at Antioch.

The Eighth petered out . . . *and then there was one*
(The Ninth), which faltered in 1291.
Then Acre, the crucial citadel,
Finally, rendingly, crashingly fell.

From then until that Balfour chap
Decided to open his bloody yap,
The Jews and the Arabs (Semites, all)
Lived side-by-side near the Wailing Wall.

W. H. VON DREELE

Antiriot Bill

A House Judiciary subcommittee headed by Rep. Emanuel Celler (D., N.Y.) has rushed through an antiriot bill that seems certain of eventual passage by Congress. The measure is aimed specifically at the unwelcome outsiders who have become alarmingly adept at whipping up mobs to acts of nonviolence, viz. Stokely Carmichael, whose recent uninvited visits to Atlanta and Boston have local officials clamoring for a different sort of emergency federal assistance. Responding to mounting pressures, congressmen have proposed 1) to make it a federal crime to cross state lines with intent to "incite, organize, promote or encourage" riots and 2) fines up to $1,000 or five years in prison or both for breaking the law. Their bill, under the tutelage of Rep. William Cramer (R., Fla.), would forbid the use of any means of interstate communication for inciting or directing riotous activities. At the same time, the proposed legislation broadens protections to minority groups by making it a federal crime with equally stiff penalties to use force or violence against Negroes in the legitimate exercise of their rights to vote, serve on juries, attend public schools, and like activities. In the wake of successive outbreaks of violence in cities of the North (in Boston, not an encouraging word was heard from the Kennedys as Roxbury burned) and the South (in Tampa, only patience on the part of the mayor and the temperance of Negro leaders have so far prevailed over young street militants), the crescendo of public outrage finally reached the insensitive ear of Congressman Celler. Mr. Celler, who has persistently opposed any attempts to curb leftist agitators (nearly 100 similar antiriot bills have been gathering dust for months in committee), glumly agreed to let the bill ooze through his committee, and the Justice Department, which has insisted on the adequacy of local laws, sensing the inevitability of passage, has taken no position on the question this year. SNCC Chairman H. Rap Brown ("These are not riots. The black people are rebelling") to the contrary, Atlanta, Cleveland, New York and other cities, girding themselves for the months ahead, hope that Congress will act quickly and decisively. Stokely and his followers may be forced to cool it during the long hot summer.

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Willmoore Kendall, R I P

Willmoore Kendall died, mystifyingly unnoticed in the national press, in Dallas, Texas on Friday, June 30. He was indisputably among the two or three most brilliant political scientists in the United States, recognized as such by friends (they were few) and foes (they were numerous as the stars above) alike. His many personal involvements so greatly absorbed him (if there was a distraction in the air, Willmoore would clutch at it) that he did not get written what otherwise he would have written, what was in him as a creative scholar with a flair for political theory that comes only to the very few.

Mr. Kendall was born and raised in Oklahoma, son of a blind Methodist preacher, to whom as a boy of three he would read aloud from the classics of English literature. He matriculated at college at the absurd age of fifteen, graduated and won a Rhodes scholarship. At Oxford he studied languages (French and Spanish, becoming trilingual), turned to economics, but finally, at the University of Illinois, went into political theory, and wrote his doctoral dissertation on *John Locke and the Doctrine of Majority Rule,* a slender classic which continues to fascinate and instruct the scholarly community.

After the war, Mr. Kendall went to Yale University where he had a turbulent time arguing with his colleagues and with the administration, at every conceivable opportunity, over every conceivable difference. ("Every time I ask Yale for a leave of absence," Kendall quipped, "I find it insultingly cooperative.") Finally, Yale and Kendall settled on an alimony payment, and Yale let go the most exciting teacher of politics of the postwar generation.

He went to Stanford where he was visiting professor for a year, then to Los Angeles College, then to the fledgling Catholic (he had joined the Catholic Church in the late '50s) University of Dallas, where he died of a heart attack at age fifty-seven.

Kendall will be remembered forever by his students. Others will turn to his book on Locke, and to his collection of essays, *The Conservative Affirmation,* published in 1963. Even as a prose stylist he was controversial. Garry Wills, writing in *Modern Age,* dubbed Kendall among the greatest living stylists in the English language. And the review of his essays in NATIONAL REVIEW referred to "the style of the author, which is supremely elegant, yet relentlessly barefisted; it is tortuous, yet you can plot a straight line from his first point all the way to his last, miles and miles away; it is apparently wordy and redundant, yet it is rigorously idiomatic and disciplined; involuted, yet infinitely bending: a style, notwithstanding the annoying personal mannerisms, becoming to one of the most superb and original political analysts in Christendom."

Willmoore Kendall was among the founding editors of NATIONAL REVIEW, and some of his stylish *NR* paragraphs have already been anthologized. His colleagues express their sympathy to the two surviving Mrs. Willmoore Kendalls, his wife and mother, and swear eternal allegiance to the fraternity of those who learned from a great teacher.

THE NR POLL

NATIONAL REVIEW's readers, like its editors, are used to being disagreed with. Surprise! You readers who have responded to our 1968 GOP Presidential poll are bearing out the conclusions of pundits from all over the political spectrum. The pundits now say, variously, that Nixon is "the man to beat" for the nomination, that Ronald Reagan is "moving up fast," that George Romney seems to have "stalled," that Chuck Percy has "only an outside chance at this time." (We don't pretend to be able to classify each of those gentlemen exactly—but, obviously, the first two are well to the right of the second two.)

What does the latest *NR* Poll sample show? Some 44 per cent of respondents (compared with 34 per cent last March) will vote for a conservative or middle-of-the-roader, but not for an out-and-out liberal. Another 21 per cent (27 per cent last March) will vote for a conservative only; the shifts in the two figures suggest that our Republican respondents are growing more flexible, but not to the point of being willing to vote for a "me-tooer." A busy political summer lies ahead (last week, Nixon's top campaign organizer "vacationed" in the key primary state of New Hampshire—just a week after Romney himself paid the state an ostensibly non-political visit). In the coming months, *NR* will continue to collect and observe its readers' preferences.

Here are this month's poll results, with last month's in parentheses:

1. I expect to vote for any Presidential candidate the Republican Party is likely to nominate in 1968, on the theory that any Republican will be better than anyone the Democrats are likely to name. 13% (11%)

2. I will vote for the Republican candidate in 1968 only if he is a conservative. 21% (22%)

3. I will vote for the Republican candidate in 1968 if he is a conservative or at least a middle-of-the-roader, but not if he is a liberal. 44% (41%)

4. If the Republicans nominate a liberal in 1968, I will vote for a third-party candidate or write in a conservative candidate. 15% (21%)

5. If the Republicans nominate a liberal in 1968, I will vote for Johnson. 5% (5%)

6. If the Republicans nominate a liberal in 1968, I will not vote for a Presidential candidate. 2% (1%)

Of those who chose (2) (conservative only), 48% also chose a second response: 77%, (4); 15%, (5) and 8%, (6). Likewise, 26% of those who checked (3)—(conservative or middle-of-the-roader)—qualified their choice: 60% also checked (4); 27%, (5) and 13%, (6).

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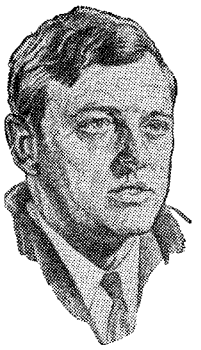
Reagan in the State House

WM. F. BUCKLEY JR

ON THE RIGHT

Sacramento.

There are those who say that there are no significant differences in the commonweal now that Ronald Reagan, a hard conservative, is governor and Pat Brown, a hard liberal, is out of office. They have a point, though not the point they would stress: in government things don't change that drastically within a matter of months.



Buckley

Harry Truman, in his last days in office, confided to a talkative confidant that if he wanted to, he knew how to put a full nelson on President-elect Dwight Eisenhower. All he had to do, Truman explained, was to place a few strategic monkey wrenches in the fiscal gear and it would be a couple of years before Ike could set his own course.

Governor Brown didn't miss any opportunity: in fiscal matters Ronald Reagan was not only left with the burden of an enormous budget, but also with the burden of an enormous deficit built into that budget. Mr. Brown's patrimony was binding in all respects. He managed, as a lame-duck governor, to appoint something on the order of eighty state judges. "I am," Mr. Reagan delightedly observed to a visitor, "probably the only governor in the United States who can't fix a parking ticket."

The State of California is divided between pro-Reagan and anti-Reagan people. The antis say: Reagan has introduced the highest budget in California's history. Considering that he ran on a program of economy, it follows either a) that he was ignorant of the requirements of government even while running for office and should therefore at the very least apologize to his predecessor Democrats; or b) that having become governor, he is shaping up just the way any ambitious politician will, and he will become the freespending-most governor in California's history.

The defense, in accents to be sure a little less positive than those used during the campaign, says: a) Reagan's budget is almost totally at the mercy of his predecessor's commitments. That, plus the ineluctable growth in California's population, plus the ditto rise in inflation, absolutely require the historically large budget. But, b) wait a moment, wait a year or two, and the economies of the Reagan Administration will begin to tell. Those economies are major (the proposed tuition charge for the state universities) and minor ("I was able just yesterday," the governor told his visitor, "to save $4 million when I found out that there was plenty of room outside the proposed new state building to handle all of the work of a particular government agency").

What is more, there are a dozen task forces of men on leave of absence roaming about California in search of extravagance; and in due course they will empty their bags of recommendations on Sacramento, and all the people will benefit.

Governor Reagan has going for him not only his reputation for husbandry, but his highly communicable vision of the general virtues of governmental risk. He is not, certainly not yet at any rate, leaving the kind of misanthropic impression that Joseph Mitchell left as city manager of Newburgh, N.Y. or J. Bracken Lee as governor of Utah, or, for that matter, Calvin Coolidge searching for his rubber in the White House.

Having come to his job as governor after a decade's criticism of national as opposed to merely local extravagances, he is seen to be adopting measures in California of paradigmatic significance: thus also — his analysis and rhetoric invite the voters to believe—should the governors be doing in New York and Minnesota and Florida: thus also in Washington, D.C. So that he is free of the parochialization that might otherwise have marked him as a small-timer, absorbed by triviality.

One of the reasons why a lot of Californians are especially excited by Reagan's performance here is that they think of him as liberating California, yes; but also as instructing the other states of the Union. A people who take pride in the universally useful achievements of their scientists at Berkeley should be permitted to take pride in the universal applicability of developments in the science of government.

There is of course the matter of the legislature. In the Assembly the Democrats rule supreme, or rather Speaker Jesse Unruh, a man enormously competent and shrewd, rules supreme. In the Senate, the Democrats are in control—by the margin of a single vote, and there is a special election coming up this month. If the Republicans win it, Republican Lieutenant Governor Robert Fitch will be chained to his rostrum to break tie votes, and help to flush out the Reagan program. And at some point Unruh and Reagan will have to come to terms. Unruh is a politician. But he has a high sense of public duty, and he is not going to paralyze California merely to make brownie points with Americans for Democratic Action.

Ronald Reagan, with months' experience behind him, is supremely confident, as though he had read the script and knew full well that in the future, as in all those other futures, there is a happy ending.

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The Third World War

JAMES BURNHAM

Reconfirmations

In the revealing light of a crisis it becomes easier to see realities that are fuzzed up by routine hypocrisies. I list here some items conspicuous in the recent Middle Eastern glare.

1. *Aggression.* Everyone, especially the U.S. Government, is "against aggression." Preventing aggression is proclaimed as the key to peace. But we find in practice there are no objective military, strategic or even political criteria by which to define "aggression."

Burnham

Who was "the aggressor" in the Middle East? It is generally agreed—if not officially acknowledged—that the Israelis started the shooting; obviously the first major military event was Israel's preventive air strike. But it was Egypt that had mobilized first, had deployed its forces along the Israeli border, had swung allies into line with the proclaimed objective of destroying Israel, and had cut off Israel from the Indian Ocean. Theoretically Israel might have relied on World Opinion, but if she was going to fight (as all nations must from time to time, if they are to continue to exist), the limitations of her geography and manpower decree that she *must* come out first and swinging.

So Egypt, then, was "in a more fundamental sense" the aggressor? But Israel had a few weeks before made a land and air incursion against Egypt's ally, Syria. Yes, but Syria was pushing death-dealing raids into Israel. Yes, but these raids were in retaliation for Israel's expulsion of the Palestine Arabs and for the Jews' terrorist seizure of Palestine, the population of which was, fifty years ago, 90 per cent Arab. Yes, but Palestine was entirely Jewish in the first century A. D. when imperialist Rome scattered its inhabitants to the four winds. Yes, but. . . . The series, once started, can go on forever.

The concept of "aggression" is not military, strategic or political but moral, ideological and propagandistic. As such it has undeniable importance: I win a major battle when I succeed in pinning the "aggressor" label on my opponent. I will not, however, have made thereby any advance in scientific understanding.

Some Bigs Are Bigger

2. *The Bigs.* We hear about the Big Four, the Big Five, the "major powers," the fourteen of the Security Council, the hundred whatever-it-is of the General Assembly. But once again we discover that in this epoch the top echelon has two and only two members. When the Big Two jointly decide on something, even if it's only to chat a bit, then everyone else waits on the sidelines. De Gaulle can sound off, Harold Wilson can manipulate, China can explode an H-bomb, India can bleat, Nasser and Dayan can have a war, but in a global clutch it's the Kremlin and the White House that really count.

This global axiom was perfectly expressed in the fact that the unknown, intrinsically insignificant town of Glassboro became the political center of the world for three days merely because the top spokesmen of the Big Two decided to meet there. The entire world communications machine, and through it world attention, were drawn inevitably into the Holly Bush focus.

2. a) The crisis displayed, further, that one of the Big Two continues to be bigger than the other, though not enough bigger to be in a different class. This was expressed in the geographical play. Kosygin journeyed to the UN. Formally this is extra-national and neutral ground, but actually it is an enclave in U.S. territory, and his trip took him 4,000 miles toward Washington. Johnson refused —as Kosygin bitterly complained—to travel even the 250 miles from Washington to the UN. The political equilibrium was not sufficiently weighted to force Kosygin all the way to his opponent's lair, but he did have to gulp and swallow the additional one hundred miles to Glassboro.

2. b) The Glassboro encounter, together with their conduct in the preceding weeks, confirmed that the Big Two can agree roughly on global-nuclear matters. Neither wants all-out nuclear war. Both, naturally enough, would like some sort of nuclear nonproliferation treaty, just as they have previously converged on a partial nuclear test ban and an agreement against nuclear armament in space.

2. c) The Big Two can agree on nothing much else of importance. That is to say, the cold war—which has never involved the global nuclear dimension except as threat and potential—continues. This recent Mideast episode was one of its rougher confrontations, foreshadowing others soon to come in the same geographical region.

Waiting for the Word

3. *The helplessness of the UN.* This was so much taken for granted as to be scarcely remarked. U Thant's immediate withdrawal of the UN troops on Nasser's demand was not a dereliction on his part but a logical recognition of their helplessness. This was expressed with equal clarity by the endless meaningless debates of the weary delegates and the dozens of meaningless motions.

3. a) Expanding a corollary, the episode confirmed that the UN can take serious action only when the Big Two are agreed. The divergence of the Big Two prevented any action, even the adoption of any motion, for the first several weeks. Then, when both felt things had gone far enough —to a point, that is, beyond which they might be brought into direct military confrontation—they united on a cease-fire resolution. Its terms—compromised closer but not much closer to the original U. S. than to the Soviet proposal—expressed the same political relationship as the Glassboro geography a few days later.

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TERM'S END

JAMES JACKSON KILPATRICK

Exit Tom Clark of Texas; enter Thurgood Marshall of New York. Leaving behind a mixed bag of major opinions, some good, some bad, the Supreme Court has ended its 1966 term. But a whole new era may be beginning.

Just as Latins by nature are lovers, or so tradition tells us, conservatives by nature tend to be pessimists. For the most part, we dwell on the dark side of political moons. There we expect to find calamity and regularly we perceive it. Nothing is so bad that thinking will not make it worse. And thinking about the October term of the U.S. Supreme Court, which came to an explosive end on June 12, the true-blue conservative is likely to see little but constructions wrongly construed and constitutions violated.

It was not that bad. To be sure, the term saw conservative principles of jurisprudence in retreat; the forces that are symbolized by Mr. Justice Harlan lost more battles than they won. Owing to the resignation of Tom Clark and the prospective confirmation of Thurgood Marshall, the 1967 term may move from a retreat to a rout. Nonetheless, Harlan and his cohorts won some notable victories. In the continuing effort to resolve the conflict between the rights of a criminal defendant and the rights of outraged society, society recovered a little lost ground. The cause of individual freedom suffered a couple of damaging blows, notably in the Allis-Chalmers case and in the matter of California's open housing law; but the cause benefited from the Court's rulings in other fields. Now and then the Court demonstrated a commendable judicial restraint. The justices tended to walk to their newest milestones. They did not run.

The Court's more deliberate speed could be discerned most clearly in the area of criminal law. It was high time. Over the past six or eight years, in a series of landmark decisions the Court virtually has rewritten the rules of criminal procedure. Peering into the Fourth, Fifth and Sixth Amendments, the liberal bloc has found an assortment of rights never observed before. New doctrines on admissible evidence, on rights of counsel, and on post-conviction remedies have sprung full-blown from lofty brows. Many of these doctrines, in my own view, are quite sound—if reasonably applied; but they have been laid down in such sweeping terms that lower courts and law enforcement officers have been unable to adapt effectively to them. Meanwhile, crime soars.

The October term scarcely had begun before the Court handed down its brief opinion in *Cichos* v. *Indiana*. The case involved a petitioner who had been tried on a two-count affidavit for both reckless homicide and involuntary manslaughter. He was convicted on the first count only. He appealed successfully, and the case was remanded for retrial. The second time around, Cichos again was tried on both counts and again convicted only for reckless homicide. In his petition to the Supreme Court, the defendant contended that to try him again for involuntary manslaughter was to expose him to double jeopardy, in violation of the Fifth Amendment. The case thus presented a novel question: Does the double jeopardy provision apply to State prosecution? Oddly enough, though almost everything else in the Bill of Rights has been transposed to the States on the back of the Fourteenth Amendment, double jeopardy appeared to have been overlooked. Here was an opportunity, if the Court wished to seize it, for another adventure in activism.

The interesting point is that the Court passed the opportunity by. Over the objections of Fortas, Warren, Douglas and Black, who were quite ready to extend the double jeopardy clause, a five-man majority made deferential bows toward federalism, comity, and judicial restraint. The Court refused to reach the issue, and dismissed the writ of certiorari as improvidently granted. Notably, Mr. Justice Brennan, leader of the activists, this time was the swing-man for restraint.

Four weeks later, on December 12, came the several "Hoffa cases," and with them the unrelated matter of Duke Lee Lewis. It was a happy hour for friends of law enforcement.

The Hoffa case went back to the fall of 1962, when James R. Hoffa was tried in Nashville for violation of the Taft-Hartley Act. He got off on a hung jury. Subsequently, Hoffa and three of his Teamster associates came on for a second trial, this time for attempting to bribe that jury. This time they were convicted. They appealed, but a 4-3 majority of the Supreme Court (Fortas and White sat this one out) affirmed the convictions.

The key witness in the government's bribery prosecution was one Edward Partin, a small-time Louisiana Teamster official and a purported friend of Hoffa. At the time of the first trial, Partin was languishing in jail in Baton Rouge, awaiting trial on various federal charges. When he volunteered to inform on Hoffa, federal prosecutors promptly had him sprung. Partin made his way to Nashville, where he shortly insinuated himself into the Hoffa suite. There he became the indispensable factotum: he fetched and carried; he went out for ice; he said yes, boss, and no, boss, and all the time he listened. Later he was to

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testify that he heard Jimmy and his pals trying to rig the jury.

Was the testimony of this dubious informer admissible? To Chief Justice Warren, indignantly dissenting, Partin was no more than a walking bug who moved with Hoffa wherever he went. In Warren's view, "this type of informer and the uses to which he was put in this case evidence a serious potential for undermining the integrity of the truth-finding process in the federal courts."

The four-man majority (Stewart, Harlan, Brennan and Black) took a tougher position. Hoffa's attorneys had attacked the bribery conviction on four constitutional grounds and one general contention. Speaking for the court, Mr. Justice Stewart tossed them all out. It is evident, said Stewart, that no interest protected by the Fourth Amendment was involved, for obviously Hoffa was not relying upon the security of his hotel suite when he made incriminating statements to Partin: he was relying instead upon his misplaced confidence that Partin would keep his mouth shut. Neither was Partin's testimony a violation of Hoffa's Fifth Amendment right against compulsory self-incrimination, for no one compelled Hoffa to tell Partin anything.

Hoffa raised two arguments based upon his Sixth Amendment right to counsel. The first had some merit. The presence of a government informer during talks between lawyer and client, it was urged, violated the essential privacy of that relationship. The second argument has no merit. Here Hoffa contended that he should have been arrested for attempted bribery as early as October of 1962, when the government received its first word of the developing hanky-panky.

Stewart demolished both positions. Whenever the talks got serious between Hoffa and his lawyers, it appeared, Partin had been "moved out." He overheard nothing of any value to government prosecutors in the Taft-Hartley trial. The statements relayed by Partin dealt solely with the separate offense of jury tampering—and these statements were not picked up in the presence of counsel. As for the second argument, "nothing that has come to our attention even remotely suggests this novel and paradoxical constitutional doctrine, and we decline to adopt it now. There is no constitutional right to be arrested. The police are not required to guess at their peril the precise moment at which they have probable cause to arrest a suspect, risking a violation of the Fourth Amendment if they act too soon, and a violation of the Sixth Amendment if they wait too long."

Hoffa's final attack was a broadside: The use of government informers is a "shabby thing in any case," which fatally offends "those canons of decency and fairness which express the notions of justice of English-speaking peoples." Stewart and his colleagues would have none of this. Informers historically have been used to gather evidence; courts have countenanced their employment from time immemorial; and though Partin may have had strong motives to lie, "it does not follow that his testimony was untrue, nor does it follow that his testimony was constitutionally inadmissible."

With the Teamster defendants disposed of, the court turned to the companion case of Z. T. Osborn Jr., a Nashville lawyer whom Hoffa had retained in the 1962 trial. Osborn also had been charged and convicted of attempting to bribe a member of the jury. Like Hoffa, as it turned out, Osborn also was a poor judge of character. His nemesis was a Nashville police officer named Robert Vick who was available, in his off-hours, for private investigative work. Osborn retained him to check the backgrounds of prospective jurors. When it turned out that Vick had a cousin named Elliott actually on the panel, Osborn began to hint that maybe Cousin Ralph could be bribed. Unknown to Osborn, Vick was passing all this along to the Department of Justice.

Lawyers for the Justice Department took Vick's affidavit to U.S. District Judge William E. Miller and Frank Gray Jr. The two jurists thereupon authorized the FBI to bug Officer Vick with a concealed tape recorder. Vick went back to Osborn's office for further conversation along these interesting lines. Osborn talked freely; the recorder worked perfectly; and later on the tape was played at Osborn's trial.

In a carefully drawn opinion, from which only Mr. Justice Douglas dissented, a seven-man majority of the Court affirmed Osborn's conviction. The key points were that the elec-

Z. T. Osborn Jr.—who hired a government informer to fix a jury for Hoffa. Clumsy!

Edward Partin—who listened while Hoffa schemed the jury-fixing, told all. Shabby?

Hoffa himself—who contended that use of informers violated his constitutional rights. Sorry!

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tronic eavesdropping had received judicial approval in advance; that the incriminating evidence Vick was seeking was narrow and particularized; and that only such recorded evidence—if it could be obtained—would settle a testimonial contest between the only two people in the world who could know the truth. On these facts, the Court found the use of the recording device permissible. Even Chief Justice Warren could see "nothing wrong with the government thus verifying the truthfulness of the informer and protecting his credibility in this fashion."

On the same day that *Hoffa* and *Osborn* came down, the court also affirmed a five-year sentence imposed upon Duke Lee Lewis for the sale of marijuana. Here the facts were that federal narcotics agents received a tip that Lewis was dealing in narcotics. An undercover agent, giving himself the alias of "Jimmy the Polack," struck up an acquaintance with Lewis. This led to a transaction at Lewis's home, where Lewis sold the agent eleven bags of marijuana for $100. The key constitutional question arose under the Fourth Amendment: did the bogus "Jimmy the Polack" have any right to enter Lewis's home without a warrant? Only Douglas dissented from a solid opinion by Warren upholding the conviction.

It has long been acknowledged, said Warren, "that in the detection of many types of crime, the government is entitled to use decoys and to conceal the identity of its agents." In this case, Lewis actually invited the agent to come in; and the federal agent, for his part, took nothing during his visit, and testified to nothing, that went beyond the facts of the marijuana sale. Brennan and Fortas, of all people, united in a concurring opinion agreeing that no rights of privacy are violated when a willing seller of dope invites a revenooer into his home to make a purchase.

Mr. Justice Douglas filed his most passionate dissent of the 1966 term in the *Hoffa, Osborn,* and *Lewis* cases. While his general tone was somewhere between hyperbole and hysterics, he made some sobering points with which many conservatives will agree:

> We are rapidly entering the age of no privacy, where everyone is open to surveillance at all times; where there are no secrets from government. The aggressive breaches of privacy by the government increase with geometric proportion. Wire-tapping and "bugging" run rampant, without effective judicial or legislative control. . . .
>
> Polygraph tests of government employees and of employees in industry are rampant. The dossiers on all citizens mount in number and increase in size. Now they are being put on computers so that by pressing one button all the miserable, the sick, the suspect, the unpopular, the off-beat people of the nation can be instantly identified.
>
> These examples and many others demonstrate an alarming trend whereby the privacy and dignity of our citizens is being whittled away by sometimes imperceptible steps. Taken individually, each step may be of little consequence. But when viewed as a whole, there begins to emerge a society quite unlike any we have seen—a society in which government may intrude into the secret regions of man's life at will. . . .
>
> I would bar the use of all testimonial evidence obtained by wire-tapping or by an electronic device. The dangers posed by wire-tapping and electronic surveillance strike at the very heart of the democratic philosophy. A free society is based on the premise that there are large zones of privacy into which the government may not intrude except in unusual circumstances. . . .
>
> Such practices can only have a damaging effect on our society. Once sanctioned, there is every indication that their use will indiscriminately spread. The time may come when no one can be sure whether his words are being recorded for use at some future time; when everyone will fear that his most secret thoughts are no longer his own, but belong to the government; when the most confidential and intimate conversations are always open to eager, prying ears. When that time comes, privacy, and with it liberty, will be gone. . . .

If the situation were as odious as Douglas suggests; if there were in fact no safeguards against indiscriminate search; and if certain vicious evils in our society could be combatted effectively in some other way, doubtless many concerned persons would agree to the drastic ban that Douglas proposes. In point of fact, the Court's 5-4 decision some months later, in *Berger* v. *New York,* may have the effect of prohibiting the police from obtaining recorded evidence under the most careful judicial safeguards. Let me come back to the Berger case in a moment. It was the high Court's single worst decision of 1966-67.

Hoffa, Osborn and *Lewis,* whatever their limitations, all were helpful to the cause of law enforcement. So were *McCray* v. *Illinois,* decided on March 20, and *Hayden* v. *Warden,* decided on May 29.

The McCray case arose early on a January morning in Chicago three years ago. Two police officers, Jackson and Arnold, were on routine patrol. They were approached by a well-known informer who told them that George McCray had been selling heroin; McCray was even then walking toward 47th and Calumet Streets, and if the officers picked him up, they would find heroin on his person. The officers went to the intersection at once; in a few minutes McCray came by; they stopped and searched him, found heroin concealed in a cigarette package, and booked him for possession of narcotics. McCray's defense was that the search and seizure, without a warrant, were unconstitutional under the Fourth Amendment; besides, he contended, the State's refusal to identify the informer and to produce him in court was a violation of his Sixth Amendment right to be confronted with the witnesses against him.

If either of these contentions had been upheld, law enforcement would have been badly hurt. The vote was 5-4 to affirm. Stewart spoke for the majority in approving both the conduct of the officers, in making the arrest, and also the conduct of the prosecution, in refusing to divulge the informant's name. The majority could find no constitutional support for the notion that the ancient "informer's privilege" should be abolished.

Stewart's opinion provoked a waspish dissent from Douglas, in which Warren, Fortas and Brennan joined. The effect, Douglas said, was "to leave the Fourth Amendment exclusively in the custody of the police." Instead of going to a magistrate and obtaining a warrant, the police had acted on their own. And who was this anonymous tipster? "There is no way to determine the reliability of Old Reliable, the in-

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former, unless he is produced at the trial and cross-examined. Unless he is produced, the Fourth Amendment is entrusted to the tender mercies of the police. What we do today is to encourage arrests and searches without warrants. The whole momentum of criminal law should be in precisely the opposite direction."

Douglas also dissented—at great length—in the case of Bennie Joe Hayden. This was a Baltimore case that arose on the morning of March 17, 1962, when an armed bandit entered the offices of the Diamond Cab Company. The robber stole some $363 and fled. Some cab drivers pursued the thief to a house on Cocoa Lane. During the chase, they radioed a description of a Negro man, wearing a light cap and dark jacket. Police converged on the scene in a matter of minutes, gained admission to the house, and scattered for a search. They found Hayden, undressed, feigning sleep in a bed upstairs. They also found a pistol and shotgun concealed in the flush tank of a toilet. In the basement, thrust into a washing machine, were a light cap and dark trousers. The belt was still in the trousers. No other man was in the house.

Police arrested Hayden for robbery. At this trial, the State introduced not only the pistol and shotgun, but also —and this was the constitutional point—the clothing that had been seized in the house. Granted that police, in hot pursuit, have a right to seize the instruments and the fruits of crime, do they also have a right to seize "mere evidence" such as clothing?

With only Douglas dissenting outright (Warren and Fortas made murmuring noises in a concurring opinion), the Court voted to abandon the old "mere evidence" restriction upon reasonable searches of property. Surprisingly, it was Brennan who spoke for the majority in sensibly broadening the area of permissible searches to take into account the realistic nature of police work. Fortas went along on the facts of the case—the clothing was pertinent to the identification of the accused—but he felt the broad sweep of Brennan's opinion "needlessly destroys, root and branch, a basic part of liberty's heritage." For his part, Douglas felt that Bennie Joe Hayden's rights of privacy had been ravished.

A final Fourth Amendment decision of significant value to the police came in *Cooper* v. *California*. The facts here were that Cooper sold heroin to a police informer. Police made their arrest, and pursuant to the California narcotics law, simultaneously impounded Cooper's car. A week or so later, police searched the car at the tow garage, and took from the glove compartment a scrap of brown paper from a sack. The evidence figured materially in Cooper's conviction.

Speaking for a five-man majority, Mr. Justice Black coolly defended the search as "reasonable," and therefore not prohibited by the Fourth Amendment. To Douglas, Warren, Brennan and Fortas, the search was clearly unreasonable, but the effect of the Cooper decision will be to give law enforcement officers a little more freedom in making searches that are incident to an arrest.

On the credit side of the Court's 1966 ledger, one ought also to post an entry for *Adderley* v. *Florida*. The case arose when a group of Negro students from Florida A. & M. University in Tallahassee became aggrieved by the arrest of other students for disorderly conduct in a civil rights protest. They marched upon the Leon County Jail, were ordered to leave, and then were arrested for trespass when they refused to depart. By a 5-4 ruling (Black, Harlan, Stewart, Clark and White, against the inevitable four), the high Court sustained the convictions.

"Nothing in the Constitution of the United States," wrote Black for the majority, "prevents Florida from even-handed enforcement of its general trespass statute against those refusing to obey the sheriff's order to remove themselves from what amounted to the curtilage of the jailhouse. The State, no less than a private owner of property, has power to preserve property under its control for the use to which it is lawfully dedicated. For this reason, there is no merit to the petitioners' argument that they had a constitutional right to stay on the property, over the jail custodian's objections, because this 'area chosen for the peaceful civil rights demonstration was not only reasonable but also particularly appropriate. . . .' Such an argument has as its major unarticulated premise the assumption that people who want to propagandize protests or views have a constitutional right to do so whenever and however and wherever they please. That concept was vigorously and forthrightly denied in two of the cases petitioners rely on. We reject it again."

The Court indicated its growing coolness to the excesses of civil rights demonstrators again in *Walker* v. *Birmingham*, decided June 12. This was the case in which the Court affirmed five-day jail sentences imposed upon Martin Luther King and others for contempt of court. The particular charge was that they violated an *ex parte* injunction against parading on Good Friday and Easter Sunday four years ago. I myself believe the five-man majority (same five) was right in upholding the sentences, for court orders must be obeyed—even wrong-headed court orders; but certain aspects of the case disturb me, and I want to think about it a while longer. The power to issue *ex parte* injunctions is an awesome power, and so much power in the hands of a trial judge impresses me as too much power in one location. I pass on this one.

There seems to me no question, however, that the Court was plainly right in two or three decisions that served to strengthen the federal system. In *Spencer* v. *Texas*, Mr. Justice Harlan splendidly expounded federal principles in affirming three convictions under the Texas recidivist

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statute. None of the justices especially liked the Texas statute (it since has been repealed), but they were unwilling to impose their own notions of a better approach upon the State.

In *Fortson* v. *Morris,* another 5-4 decision, Mr. Justice Black said bluntly for the Court that "there is no provision of the United States Constitution or any of its amendments which either expressedly or impliedly dictates the method a State must use to select its governor." Georgia's plan calls for the legislature to elect when no candidate receives a majority in a general election. Such a system is "clearly within its rights as a State."

In three cases involving the composition of local governing bodies and especially in *Sailors* v. *Board of Education,* a Michigan case, the Court found reasons for not extending its doctrinaire rule of "one man, one vote." Mr. Justice Douglas, astoundingly, said this for the Court: "Viable local governments may need many innovations, numerous combinations of old and new devices, great flexibility in municipal arrangements to meet changing urban conditions. We see nothing in the Constitution to prevent experimentation."

In addition to the cases that buttressed law enforcement and strengthened an innovative federalism, several other decisions merit a favorable word. All of these tended in some fashion to enlarge or to protect individual liberties.

In the case marvelously styled *Julian Bond* v. *James "Sloppy" Floyd, et al.,* the Court overrode the Georgia legislature and ordered the Negro representative seated. Bond's offense against the peace and dignity of the Georgia House was that he had said publicly that the U.S. was pursuing an aggressive policy in Vietnam, in violation of international law; that he did not believe in the war; that it was hypocritical of the U.S. to wage war abroad in behalf of free elections when it could not guarantee free elections in the South, and so on. For these and other "disloyal" assertions, the Georgia House refused to let Bond take his oath of office. A unanimous Supreme Court, looking at the totality of Bond's statements, found that he had said nothing for which he might have been convicted. "The manifest function of the First Amendment in a representative government requires that legislators be given the widest latitude to express their views on issues of policy." And so the salutary principle was laid down that not even State legislatures, seeking to discipline their own members, are exempt from the duties that are owed free speech.

In two widely publicized cases, *Curtis Publishing Co.* v. *Butts* and the *Associated Press* v. *Walker,* the Court applied a useful and judicious gloss to its famous ruling three years ago in *New York Times* v. *Sullivan.* The Sullivan case laid down the general proposition that "public officials" cannot recover damages for defamatory falsehoods unless they can prove that the libelous material was published with actual malice. In *Butts* and *Walker,* decided June 12, the Court gave this doctrine what Harlan described as "a longer reach." Henceforth, the rule is to apply not only to public officials, but to "public figures" also. The Court remarked, in a telling phrase of poignant meaning here at NATIONAL REVIEW, that our free society must not be deprived of "the stimulating benefit of varied ideas because their purveyors fear physical or economic retribution solely because of what they choose to think and publish." The measuring rod from now on is to be the conduct of the writers, editors, and publishers. So long as they do not engage in "highly unreasonable conduct constituting an extreme departure from the standards of investigations and reporting ordinarily adhered to by responsible publishers," they are free to comment and to criticize.

It would have been more encouraging still if the high Court had spoken in a single resolute voice on these important developments in libel law. Unhappily, the justices mounted up and rode off in all directions. Harlan's judgment for the Court was joined only by Clark, Stewart and Fortas. Chief Justice Warren concurred in the result, though he didn't like Harlan's "highly unreasonable conduct" formulation. Black and Douglas, adhering to their familiar view that the First Amendment absolutely prohibits any abridgements of free press, filed some acerbic afterthoughts. Black remarked that he feared the Court "is getting itself in the same quagmire in the field of libel in which it is now helplessly struggling in the field of obscenity."

Black made what is probably a valid point. The Court dealt with three cases of obscenity law during the 1966 term, but it dealt with them feebly. The first was *Redrup* v. *New York,* involving a clerk at a subway newsstand; the second was *Austin* v. *Kentucky,* involving a Paducah bookseller; the third was *Gent, et al.,* v. *Arkansas,* involving the prior-restraint confiscation of some girlie magazines. Each of the three cases earlier had been regarded as a significant test case. *Redrup* and *Austin* were intended to explore the question of scienter: how much is a bookseller expected to know of the contents of the books he sells? The Arkansas case raised interesting questions of a State's power to proceed *in rem* against magazines and books as such, rather than against authors, publishers and dealers.

But when the Court got down to deciding the case on May 8, seven of the members were in no mood for grappling with such issues. It was enough that none of the material, in any of the cases, was actually "obscene." In the course of a brief *per curiam* opinion, the Court did insert one sentence that suggests a new and additional standard for judging the criminally obscene. Such material hereafter must amount to "an assault upon individual privacy by publication in a manner so obtrusive as to make it impossible for an unwilling individual to avoid exposure to it." That standard will have to be clarified in subsequent litigation, but at first impression the language appears to nullify all but the most blatant and public marketings of patently offensive material.

The Court struck an admirable blow for the freedom of the individual, as distinguished from the regulation of the State, in two cases involving municipal inspections of property. These were *Camara* v. *San Francisco,* and *See* v. *Seattle,* both decided by 6-3 votes on June 5. The issues were identical. In times past, health and fire inspectors have been privileged to roam freely in and out of private dwellings and business houses, in search of code violations. Eight years

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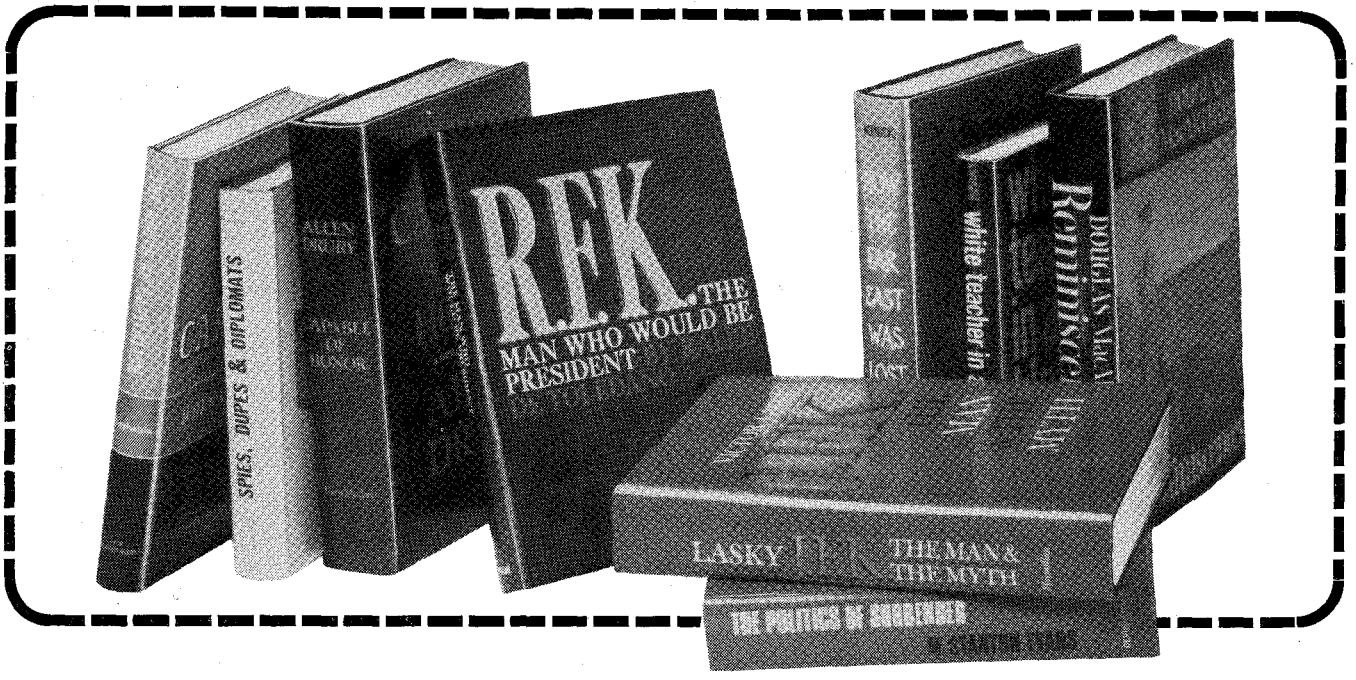

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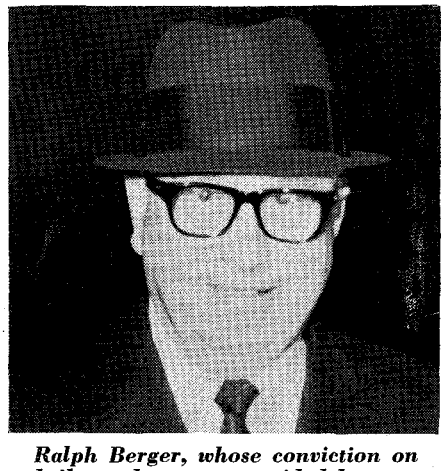
ago, in one of Frankfurter's erring moments, the Court specifically sanctioned such searches without warrants. Now, in *Camara* and *See*, the Court reversed itself. Henceforth, in contested cases, a homeowner can demand that a municipal inspector obtain a warrant. It is a small score for individual freedom, perhaps, but every score counts. Regrettably, Harlan, Clark and Stewart dissented.

Both liberals and conservatives united, however, in unanimous opinions on January 10 upholding the individual's freedom to travel. The cases were *Travis* v. *U.S.* and *U.S.* v. *Laub*, both involving persons who were determined to get to Cuba in spite of State Department regulations. What the Court held, in brief, is that the State Department may have authority to lay down area travel restrictions, but it does not have authority to make violation of the restrictions a criminal offense. Crimes are not to be created by inference, said the Court, and "if there is a gap in the law, the right and the duty, if any, to fill it do not devolve upon the courts."

The Court also was unanimous on June 12 in *Loving* v. *Virginia*, in which State laws against interracial marriage were held void. In order to accomplish this end, the judges were compelled to close their eyes to the plain intention of the framers of the Fourteenth Amendment. From that standpoint, it was bad constitutional law. In any other view, the decision was a commendable advance in human freedoms. With *Loving*, the last vestige of racially discriminatory law has been wiped from the statute books. The charge that Negroes somehow are "second-class citizens" no longer finds support at law.



Ralph Berger, whose conviction on bribery charges was voided because wire-tap evidence figured.

So much for the favorable aspects of the high Court's 1966 term. The lamentable truth, in my own view, is that these forward steps in stable law and personal liberty were more than offset by a series of other decisions in which the liberal bloc prevailed.

Consider, if you please, *Berger* v. *New York*. The case wound up with the nullification by a 5-4 vote of New York's carefully drawn wire-tap statute—a statute that had been regarded as the best of its type in the country. As New Yorkers will recall, the case arose out of the bribery scandals within the State Liquor Authority. Berger, petitioner in this case, was convicted as a consequence of evidence obtained from electronic bugs installed in the offices of two of the principal figures.

Now, not even the most fervent advocate of strict law enforcement proposes that the police be given permission for unbridled bugging or wire-tapping solely on their own motion. The vice of the wire-tap is that it scoops up everything that comes over a telephone—the innocent calls as well as the inculpatory. Chief Justice Warren was quite right a few years ago when he remarked in the landmark *Lopez* case that "the fantastic advances in the field of electronic communication constitute a great danger to the privacy of the individual; the indiscriminate use of such devices in law enforcement raises grave constitutional questions under the Fourth and Fifth Amendments."

But no such indiscriminate use, and no such constitutional questions, were apparent in the Berger case. Here the police had abundant "probable cause" to believe that corruption was rampant in a public office. They went to a Justice of the State Supreme Court to obtain a warrant authorizing the installation of a recording device. In order to get the warrant, useful for a limited time only, they had to satisfy the court that only by this process could evidence of a serious crime be uncovered. If this prudent and safeguarded procedure is unconstitutional, as the Court held, how is a valid wire-tapping statute to be drawn? Mr. Justice Clark, who was leaving the Court that day, could not say. He did not particularly care. Other techniques and practices, he thought, "may well be developed."

White and Harlan filed stinging dissents in the Berger case. The majority, said White, "seems irresistibly determined to strike down the New York statute." His brothers were intent upon "creating out of whole cloth new constitutionally mandated warrant procedures carefully tailored to make eavesdrop warrants unobtainable." White added this:

> Today's majority does not, in so many words, hold that all wire-tapping and eavesdropping are constitutionally impermissible. But by transparent indirection it achieves practically the same result by . . . imposing a series of requirements for legalized electronic surveillance that will be almost impossible to satisfy.

General Walker, who as a "public figure" must go a longer way than before to prove libel. Next case?

In so doing, the Court ignores or discounts the need for wire-tapping authority and incredibly suggests that there has been no breakdown of federal law enforcement despite the unavailability of a federal statute legalizing electronic surveillance. The Court thereby impliedly disagrees with the carefully documented reports of the Crime Commission which, contrary to the Court's intimations, underline the serious proportions of professional criminal activity in this country, the failure of current national and State efforts to eliminate it, and the need for a statute permitting carefully controlled official use of electronic surveillance, particularly in dealing with organized crime and official corruption. How the Court can feel itself so much

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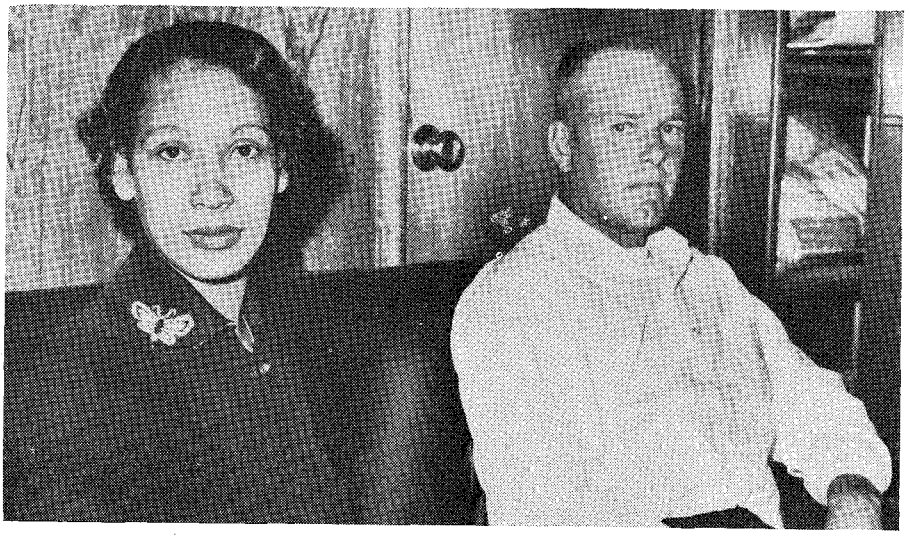
better qualified than the commission, which spent months on its study, to assess the needs of law enforcement is beyond my comprehension. . . . It would seem imperative that the Court at least deal with facts of the real world. This the Court utterly fails to do.

In his dissenting opinion, Harlan raked his brothers for abandoning traditional concepts of judicial restraint and for arrogating to themselves power they have no right to exercise. "Newly contrived constitutional rights have been established," he wrote, "without any apparent concern for the empirical process that goes with legislative reform. . . . In my opinion what the Court is doing is very wrong."

Black brought up the rear with a thundering protest:

> The eavesdrop evidence here shows this petitioner to be a briber, a corrupter of trusted public officials, a poisoner of the honest administration of government, upon which good people must depend to obtain the blessings of a decent orderly society. No man's privacy, property, liberty, or life is secure, if organized or even unorganized criminals can go their way unmolested, ever and ever further in their unabandoned lawlessness. However obnoxious eavesdroppers may be, they are assuredly not engaged in a more "ignoble" or "dirty business" than are bribers, thieves, burglars, robbers, rapists, kidnapers, and murderers, not to speak of others. And it cannot be denied that to deal with such specimens of our society, eavesdroppers are not merely useful, they are frequently a necessity. I realize that some may say, "Well, let the prosecuting officers use more scientific measures than eavesdropping." It is always easy to hint at mysterious means available just around the corner to catch outlaws. But crimes, unspeakably horrid crimes, are with us in this country, and we cannot afford to dispense with any known method of detecting and correcting them unless it is forbidden by the Constitution or deemed inadvisable by legislative policy—neither of which I believe to be true about eavesdropping.

In *U.S.* v. *Wade,* decided on the same day *Berger* came down, the liberal majority pursued its determination to make law enforcement more difficult. This was the so-called "line-up case." It arose on September 21, 1962, when a robber, disguised with strips of tape on his face, held up a bank in Eustace, Texas. Billy Joe Wade was arrested for the crime some months later. In May, without notice to his court-appointed counsel, the FBI arranged a line-up at the local courthouse, made up of Wade and five or six other prisoners. Each person in the line wore strips of tape, and upon direction each said something like "put the money in the bag." Bank employees witnessed the line-up. Later they identified Wade in open court as the robber. The constitutional question was whether this procedure violated Wade's Sixth Amendment right to counsel and his Fifth Amendment right against self-incrimination. Was the identification in court a direct result of the identification in the line-up?



Mr. and Mrs. Richard P. Loving, who defied the Virginia miscegenation law all the way to the Supreme Court. The law lost, but nobody else did.

Under the particular facts of this case, I myself would have to agree that the defendant's rights were violated. Plainly, he could not have been compelled in court to rise up and say, "Put the money in the bag"; and if a line-up is a critical phase of a criminal prosecution, it is equally plain that a defendant is entitled to the assistance of counsel at this point. But the majority did not stop with a careful delineation of the Wade case. It went on to lay down sweeping rules, based entirely upon its own notions of decency and fundamental justice, which it proceeded to impose upon all the States in the name of the due process clause of the Fourteenth Amendment.

In White's view, the court in *Wade* did just what its recent critics have charged: it adopted "an uncritical and doctrinaire approach without satisfactory factual foundation." It created an entirely new rule of constitutional law, under which courtroom identifications will be barred, for all intents and purpose, if pretrial identifications have occurred without the presence of counsel. Such a rule, said White, reflects the majority's "pervasive distrust of all official investigations." The rule will cause "significant delay, and it may very well result in no pre-trial identification at all."

In several other cases—*Long* v. *Iowa, Anders* v. *California,* and *Entsminger* v. *Iowa*—the Court further entrenched its new rules as to free counsel for indigents in appellate proceedings. In *Parker* v. *Gladden,* the Court leaned over backwards to reverse the conviction of a murderer because a bailiff had made a couple of innocuous remarks to an Oregon jury. In *Giles* v. *Maryland,* a bitterly divided Court vacated the conviction of three youths charged with gang-raping a teen-aged girl; in the course of some ominously confusing opinions in this case, Fortas opened the door to the astounding prospect that one day the whole system of adversary trials may have to be abandoned in favor of mere courtroom discoveries.

In *Chapman* v. *Teale,* the Court reversed the convictions of a California couple who were found guilty of the kidnaping and murder of a bartender. The defendants declined to testify in their own behalf at the

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trial. Under the then prevailing California practice, the prosecutor harangued the jury at length upon this failure to take the stand. After the case was tried, but before their appeal, the Supreme Court held the California practice unconstitutional under the Fifth Amendment's self-incrimination clause. The California Supreme Court, after reviewing the record, found that the prosecutor's comments were harmless errors, and affirmed the convictions. Over Harlan's lonesome protest, Black delivered an opinion that will add to the difficulties of State authorities in ever obtaining final judgments in criminal cases. Said Harlan:

"For one who believes that among the constitutional values which contribute to the preservation of our free society none ranks higher than the principles of federalism, and that this Court's responsibility for keeping such principles intact is no less than its responsibility for maintaining particular constitutional rights, the doctrine announced today is a most disturbing one. It cuts sharply into the finality of State criminal processes; it bids fair to place an unnecessary substantial burden of work on the federal courts; and it opens the door to further excursions by the federal judiciary into State judicial domains."

Two remarkable excursions by the federal judiciary into State judicial domains occurred in January, in *Garrity* v. *New Jersey* and *Spevack* v. *Klein*. Both were 5-4 decisions, with Douglas, Warren, Black, Fortas and Brennan on one side, and Harlan, Stewart, White and Clark on the other. Edward J. Garrity, principal petitioner in the first case, was police chief of Bellmawr, N.J. He and three of his officers were charged with involvement in a ticket-fixing scandal. They were summoned before the Attorney General to talk about the matter, and specifically warned that they could refuse to answer questions if they wished, but that they would be subject to removal from office if they kept silent. They also were told that anything they said might be used against them in future criminal proceedings. The officers confessed, and later their answers were used in a prosecution for conspiracy to obstruct the enforcement of traffic laws. They were convicted, but the Supreme Court's five-man majority reversed on the grounds that the statements had been unconstitutionally coerced. To the four dissenters, the procedure was wholly within New Jersey's power to establish and enforce standards of conduct for public employees; to threaten a police officer with dismissal if he fails to answer questions about his duties surely is a constitutionally permissible approach. If the officer then elects to make a statement, how is the statement deemed to be involuntary? But to Mr. Justice Douglas, speaking for the majority, the idea was "the antithesis of free choice to speak out or to remain silent."

In *Spevack*, the New York bar brought proceedings against an attorney, suspected of involvement in ambulance chasing, with a view toward disbarring him if the charges were true. The lawyer was asked to produce certain specific records. He refused, on the grounds that to produce them might tend to incriminate him. His disbarment followed. A wobbly majority of the high Court reversed the New York decision, on the reasoning that the Fifth Amendment, liberally construed, should apply to lawyers faced with disciplinary measures by the bar. The effect of the decision, Harlan remarked in dissent, was simply to permit a lawyer, suspected of professional misconduct, to thwart direct official inquiry of him without fear of disciplinary action. Constitutionally, the effect was to extend the reach of the Fourteenth Amendment into one more area of State control.

Perhaps the most notable incursion by the Supreme Court into established State practices came on May 15 in *In re Gault*. Mr. Justice Stewart, dissenting, provided a compact summary: "The Court today uses an obscure case as a vehicle to impose upon thousands of juvenile courts throughout the nation restrictions that the Constitution made applicable to adversary criminal trials. I believe the Court's decision is wholly unsound as a matter of constitutional law, and sadly unwise as a matter of judicial policy."

Under the rules laid down by Fortas in the Gault case, juvenile courts will have to revise their procedures completely. As a working reporter, I myself happen to believe this may be no bad thing. No man will ever know the flagrant miscarriages of elementary justice that have occurred behind the locked doors of a juvenile judge's office—no man will ever know, because no adequate records are kept and the press is barred. In the Gault case, a fifteen-year-old boy in effect was sentenced to six years in reform school on a flimsy charge, unsupported by any evidence save his own. The complaining witness against him did not even appear. Nevertheless, the extension to juvenile court procedures of all the panoply of Fifth and Sixth

Julian Bond—who, though something of a Vietnik, can serve on the Georgia legislature, the Court said. Behind him is Tom Watson, but where's James "Sloppy" Floyd?

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Amendment rights will serve to nullify the remedial functions that these courts, at their best, have quietly served. Months and years of litigation will be required to feel out the limits of what the Court imposed in a stroke of its pen.

Beyond cavil, there was some plausible basis for the Court's deciding *Gault* as it did. There was no discernible basis, however, for the Court's incredible action on January 23 in *Keyishian* v. *Board of Regents of the University of the State of New York*. Here a five-man majority spread-eagled itself to find reasons why a group of Buffalo faculty members, some of them no longer involved in the litigation, should not have been dismissed for failing to subscribe to a loyalty oath that no longer is even required. In the holy name of academic freedom, the majority concluded that not even "knowing membership" in the Communist Party is enough to permit a State University to dismiss a teacher.

Clark wrote a bristling dissent in which Harlan, Stewart and White concurred. Just fifteen years ago, he noted, the Supreme Court had found "no constitutional infirmity" in the New York law. Now the act was given its death blow. "No court has ever reached out so far to destroy so much with so little." In Clark's view, a university has every right to disqualify persons who willfully and deliberately advocate the overthrow of government by violence, or who become members of organizations that advocate such doctrines. "I regret to say," he concluded, "that the majority has by its broadside swept away one of our most precious rights, namely, the right of self-preservation."

Other precious rights were swept away, so far as Californians are concerned, by the Court's 5-4 opinion of May 29 in *Reitman* v. *Mulkey*. This was the "open housing" case. It dated back to 1963, when the California legislature, temporarily dominated by liberals, adopted the Rumford Fair Housing Act. The effect of the law, applicable to the sale of rental of private dwellings containing more than four units, was to compel property owners to sell or lease regardless of racial considerations. Opponents of the Rumford Act rallied their forces, and obtained a referendum in Novemof 1964 on a constitutional amendment intended not only to wipe out the Rumford Act but also to nail into the State Constitution a specific statement of property rights. The amendment, known as Proposition 14, provided that

> Neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses.

The referendum carried overwhelmingly—the vote was 4.5 million to 2.4 million—but supporters of the old Rumford Act arranged a couple of test cases challenging the constitutionality of the constitutional amendment itself. Their contention was that the amendment represented State action affirmatively encouraging racial discrimination. A divided California Supreme Court upheld this bizarre argument. The U.S. Supreme Court, speaking, regrettably, through Mr. Justice White, could find "no sound reason" for rejecting this judgment.

The four dissenters found abundant sound reason for disagreeing with a decision which "cuts deeply into State political processes." To Harlan, Clark, Black and Stewart, the amendment was no more than "the straightforward adoption of a neutral provision restoring to the sphere of free choice private behavior within a limited area of the racial problem."

"By refusing to accept the decision of the people of California," wrote Harlan, "and by contriving a new and ill-defined constitutional concept to allow federal judicial interference, I think the Court has taken to itself powers and responsibilities left elsewhere by the Constitution."

Two decisions by the Court served further to strengthen the powers of labor organizations at the expense of the rank-and-file member. *Vaca* v. *Sipes* involved a packing house worker named Benjamin Owens. He was dismissed by Swift & Company's Kansas City plant in 1961 on a finding that Owens no longer was physically able to perform the work required of him. Owens objected, and demanded that his union carry his grievance to arbitration. The union took some preliminary steps, but then declined to go further, and Owens sued the union for failing to represent him adequately. A jury awarded him $10,300 damages.

With only Black dissenting, the Court reversed the award, and held that such claims amount to charges of unfair labor practice and hence fall under the exclusive jurisdiction of the NLRB. In Black's view, the effect of the decision will be to put "an intolerable burden on employees with meritorious grievances, and means that they will frequently be left with no remedy."

The stubborn rank-and-file worker also came out poorly in *NLRB* v.

Thurgood Marshall (right) and Friend, who announces nomination of Marshall—an able advocate of civil rights causes but an indifferent judge, according to Mr. Kilpatrick—to the Supreme Court.

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Allis-Chalmers Manufacturing Company. The National Labor Relations Act contains a provision that seems clear enough on its face. It says it shall be an unfair labor practice for any union "to restrain or coerce" any employees who exercise their "right to refrain from engaging in any or all concerted activities." The only exception is that a union may "prescribe its own rules with respect to the acquisition or retention of membership therein."

In Wisconsin, a number of members of the United Automobile Workers flatly refused to participate in a strike called against Allis-Chalmers. They crossed the picket line and went to work. The local unions then imposed fines ranging from $20 to $100 on the dissidents; when the mavericks refused to pay, the union went into court to compel collection.

Writing for the majority, Mr. Justice Brennan put forth an Orwellian phrase. National labor policy, he said, "extinguishes the individual employee's power to order his own relations with his employer." Thus a union may bargain away a member's right to work or not to work. "The employee may disagree with many of the union decisions but he is bound by them." A union must have power "to protect its status against erosion." The fines were reasonable, and the union had a right to sue in the civil courts to collect them.

Mr. Justice White was "doubtful about the implications of some of the generalized statements" in the majority opinion, but he went along. Black, joined by Douglas, Harlan and Stewart, handed down a ripping dissent. The majority was refusing to give plain words their plain meaning; it was writing its own notions of policy into labor law; it was handing over to unions a new weapon simply because members of the majority felt that unions needed a new weapon.

Mr. Justice Stewart advanced several of these same criticisms in a potent dissent in the term's other major labor relations decision. This was the woodwork manufacturers' case, decided April 17, raising the question of whether a product boycott, in certain circumstances, constitutes an unfair labor practice. In this case, the boycotted products were 3,600 prefabricated doors, intended for installation in a Philadelphia housing project. Local union carpenters refused to handle them, and litigation followed.

For an example of clarity on the high Court, it is instructive to contrast the opposing conclusions. It is "clear," said the majority, that the carpenters' action was not an unfair labor policy. But no. The union's boycott, said Stewart for the four dissenters, "clearly falls within the express terms of the federal labor law which makes such conduct unlawful." In deciding to the contrary, said Stewart, "the Court has substituted its own notions of sound labor policy for the word of Congress. There may be social and economic arguments for [such changes], but those changes are not for this Court to make."

Now, it is one of the two or three abiding myths of our excessively gullible Republic that ours is "a government not of men, but of laws." This is bosh. At the highest level of our jurisprudence—the Supreme Court of the United States—the shaping of law is of course the work of mortal men. The notion that members of the Court simply "interpret" the Constitution, or "discover" the meaning of statutes is a child's notion, having no rational relationship to reality.

This coming term will bring a change of vast significance in the roster of men who thus make the supreme law of the land. Clark has retired. Thurgood Marshall will replace him. Marshall was fifty-nine on July 2. He can look forward to ten or fifteen years on the Court. He will come to the Supreme bench after a life that had been professionally devoted, until October of 1961, entirely to his work as advocate for the National Association for the Advancement of Colored People. At that time, he became a judge of the U.S. Second Circuit. He resigned after four terms to accept appointment as Solicitor General; and Senator Jacob Javits, testifying at his 1965 confirmation hearings, probably was right when he expressed delight that Marshall would be returning to "his true calling, that of trial lawyer." Beyond question, as defeated Southern attorneys would agree, Marshall was a brilliant trial lawyer—tough, articulate, fast on his feet, highly knowledgeable in the law of the case. Outside the courtroom, he was—and is—an affable, outgoing, highly attractive human being.

Wally Butts, former U. of Georgia football coach, who was indeed entitled to damages from* Sat Eve Post, *the Court ruled.

But Marshall was a dull judge in the four terms he served on the Second Circuit. In that period he wrote 116 opinions (twenty of them *per curiams*), seven concurring opinions, and twelve dissenting opinions. I recently spent some hours in the Supreme Court Law Library, reading a random sample of fifty of these, and did not find a quotable phrase or an original thought. His major work on the Second Circuit was a dissenting opinion he filed on January 26, 1965, in *New York* v. *Galamison*, 342 F. 2d 255. This was an appeal taken by some fifty civil rights demonstrators who sought to disrupt the World's Fair, picket a high school, and so on. They were arrested on various charges, and promptly sought removal of their trials to federal courts, under the Civil Rights Act of 1964. Circuit Judges Friendly and Kaufman refused the agree to removal, and remanded to trials to State authorities. Marshall dissented, but his opinion struck me as both diffuse and opaque. He asserted that "peaceful protest and demonstration is tremendously important in our federal constitutional scheme," but he did not really expand on this theme, and most of his opinion was devoted to prolix and biased hindsight upon the Congress of 1875.

One wishes to be fair. Freshman judges are not assigned the milestone cases. The most luminous judicial

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mind would be hard put to shine in most of the cases that were assigned to Marshall for opinions. The best that can be said is that Marshall dutifully did his work, on federal tort claims, suits based upon the unseaworthiness of vessels, suits under the federal securities act, bankruptcy proceedings, labor relations, personal injury cases, narcotics cases, deportation cases. He wrote the Circuit Court's opinion in *U.S.* v. *Rickenbacker,* 309 F. 2d 462, of vivid memory to *NR* readers, in which the court affirmed the conviction of William F. Rickenbacker for refusing to fill out a "householder's questionnaire" in the Census of 1960. The case offered an opportunity for the court to turn around on questions of political philosophy that Rickenbacker had raised, but Marshall dourly passed it up. It was enough for him that "the authority to gather reliable statistical data reasonably related to governmental purposes and functions is a necessity if modern government is to legislate intelligently and effectively." Of course, one was minded to say; but what of the deeper issues of a citizen's right to privacy? Again, in *Seneca Nation* v. *U.S.,* 338 F. 2d 55, Marshall spoke for the Second Circuit, but he spoke in pedestrian terms in a land condemnation case that raised interesting questions under a treaty of 1794.

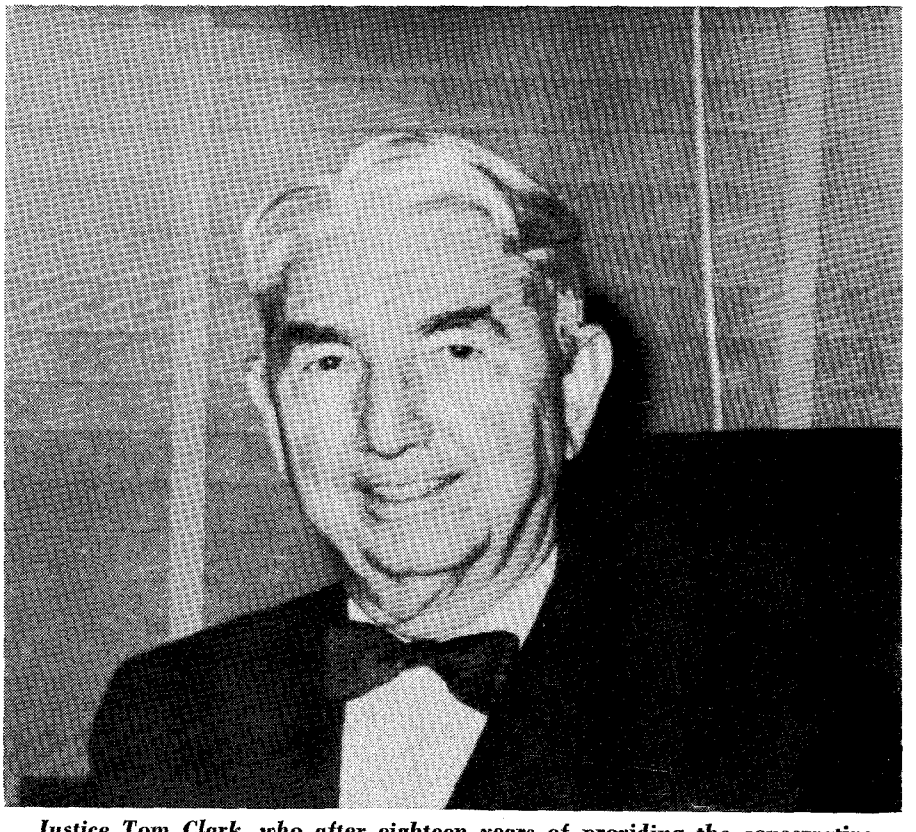
There is thus little in Marshall's four years as a Circuit Judge to build a surmise on. He was no bleeding heart in criminal cases or in deportation cases. In a couple of labor cases, he was eloquently pro-labor. Often he went off on procedural technicalities, which is perhaps an encouraging indication of latent tendencies toward judicial restraint. Neither is much to be gained by drawing inferences from Marshall's two years as Solicitor General. Here he was an advocate. He did a competent job.

It is Marshall's whole record of liberalism that weighs in the scales. The grandson of a slave, the son of a Pullman waiter, Marshall has dedicated his life to Negro advancement. All of his adult associations have been on the liberal side. He was a member of the National Lawyers Guild. He has been identified, in one fashion or another, with other organizations far out on the left. His omnibus view of the Fourteenth Amendment, which

figures in the great bulk of the Court's constitutional business, has been a part of his working vocabulary throughout his professional life. On the record of his public career, Marshall offers every promise of serving the Court as a more gregarious Brennan, a less lugubrious Goldberg. He is virtually certain to align himself with the liberal bloc.

The retiring Clark was sometimes ambivalent—he wrote the *Berger* opinion, destroying the New York eavesdrop law—but for the most part he voted on the solidly conservative side. Clark provided a fifth vote in *Cichos,* the double jeopardy case; a fifth vote in *Adderley,* the Florida jail demonstration case; a fifth vote in *Spencer,* upholding the Texas recidivist law; a fifth vote in *Cooper,* the California search-of-automobiles case; a fifth vote in *McCray,* the Chicago arrest case. On the dissenting side, Clark spoke out strongly time after time in the good company of Harlan, Stewart and White. If he was not a great bulwark of conservatism, he was quite often a most useful diversion dam.

Now Clark departs. If President Johnson had appointed even a middle-roader to the high Court, conservatives would have some reason for uncharacteristic optimism, for Mr. Justice Black increasingly is taking a position with Harlan, Stewart and White. By appointing a committed liberal, in the person of Thurgood Marshall, the President has tipped the scales deliberately in favor of Warren, Douglas, Brennan and Fortas. They are the four horsemen of this judicial apocalypse. Marshall will make the decisive fifth.



Justice Tom Clark, who after eighteen years of providing the conservative margin of victory in 5-4 decisions, said goodbye to the Court, which said hello to Thurgood Marshall.

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Turned Off

The Saga of Henry J. Littlefinger

JOHN D. KEEFAUVER

Henry J. Littlefinger's troubles began when he swallowed his first sugar cube loaded with LS-MFD, a relatively unknown drug that caused the user to experience reality. About an hour after he had downed it he was ordered by his boss, who hadn't the slightest idea that Littlefinger had turned off and was on a stay, to write some advertising copy for a new television show. He wrote it—and was fired immediately.

From that day on Littlefinger, turning himself off at least once a day, experienced stays of increasing clarity—until he was suffering periods of recurring reality for weeks on end.

Which was a shattering switch for Henry J., for all his life he had worked diligently at avoiding it. Indeed, since childhood, when his parents had indoctrinated him into the Beatitudes of the Organization, he had pursued Avoidance faithfully. As a kid Henry Littlefinger had shown certain hearty characteristics that put him several cuts above the average brat and demonstrated that he was to become a successful Organization Man. He had grown up loving the Organization and that for which it stands, and was ready at the drop of an unorthodoxy to do battle with anybody who even hinted at an un-Organization thought. Majoring in Organization and minoring in Conformity, he zipped through college with straight smiles, graduated with homespun honors, and went on to graduate school, where his master's thesis, "The Challenge of Our Times: Better Gum for Gumshoes," won him a new Chevrolet and a CIA job offer.

A knack for slogans ("My Organization—right or whatelse!") led Littlefinger to turn down the CIA offer, however, and go into advertising, where his talent in Avoidance allowed him to shine in the writing of copy for, first, deodorants, and, later, television. A grateful Organization had investigated free of charge and, finally, certified a bride for him—of their own choosing, after turning down seventeen of his own entries—thus for the first time uncovering an Achilles' heel on the Organization Body of Henry J. Littlefinger: he didn't know how to pick women, i.e., he picked those who could think. This, as it turned out, was to be Henry J. Littlefinger's downfall into the pitfall of reality via LS-MFD.

Following the Organization's way of life and rising all the while, Henry never associated with anyone who wore a beard, jeans, or turtleneck sweater, who did not scrub his skin daily or spray it with chemicals, or who did not believe in washday miracles. He and his friends swore by heartier flavor, more smoking pleasure, crispier and crunchier goodness, all-purpose purpose, and faster relief. They believed that bedbugs—even wholesome ones—should not be sent to Vietnam to fight because it would create a poor image, and that if you have hair on your head and everybody else in the office is bald, you should wear a bald wig. They firmly believed that man is endowed by the Organization with certain inalienable rights, such as freeways, television, and the pursuit of credit; that spinach causes cancer, zip codes should be tattooed on brains for quicker junk-mailing, and names should be replaced entirely by numbers for easier direct-dialing.

Turn Off, Tune In

They voted for deletion of four-letter words from alphabet soup, lowering the drinking age to eight, never allowing go-goes to become went-wents, and shooting immediately anybody who bent, spindled, or folded.

In short, they prayed—and believed—that God was alive, not in Argentina, but in the Organization.

Indeed, Henry's beliefs reached such an astronomical number that he, like his fellows, was forced to take a mind-expanding drug just to keep up with all of them. Further, the drug not only kept him abreast in the constantly expanding belief-world; it also made the beliefs more valid. They gleamed with Truth, glistened with Worth and shone with Right.

Then, unfortunately, Henry J. one day took the wrong drug. Instead of swallowing the mind-expanding LSD, he swallowed the reality-experiencing LS-MFD (Lucky Swallow-Means Fine Day). Someone along the line apparently slipped him the wrong bottle. He, so happy he couldn't be bothered with reading labels, took it home and his wife, who couldn't read, gave him the pill, which was her only job.)

From that day on Henry J. Littlefinger was a different man. A whole new series of truths became self-evident with his first turn-off and stay.

The first thing he did was shoot holes in his television set.

The second thing he did was shoot his wife.

Then, in rapid succession, he dumped his martinis down the sink, threw away his bald wig, threw a stick of dynamite onto a freeway in his backyard, sprinkled his torn-up credit cards over the wreckage, defiantly ate three cans of spinach, spindled nine checks, asked seven phone operators for a long-distance number, bowled overhanded, took a walk in the woods and watched ants for four days, jammed earth under his fingernails, picked four thousand and two roses before he found out they were dandelions, talked with seventeen people and discovered that each one was a person, found out that sex was not an un-American activity—in general, discovered slower relief, goodness that didn't crunch, and purpose that wasn't all-purpose.

And, of course, was fired.

From then on Henry J. Littlefinger was tailed by Organization men in large, gummy shoes, all with inscrutable Avoidance eyes and chemically scrubbed armpits and id, veritable walking washday miracles.

But Henry, turning himself off every day and experiencing stays of increasing reality, was past salvation. Mired in reality, he, an all-the-way gone near-in crawl-head, was beyond all hope for a Return to Organization, the gumshoes finally decided. So they withdrew and let him sink unhindered—until he disappeared fom the face of Organization earth, cruelly cut down in the prime of life when he began to face reality.

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Pasta, Glorious Pasta

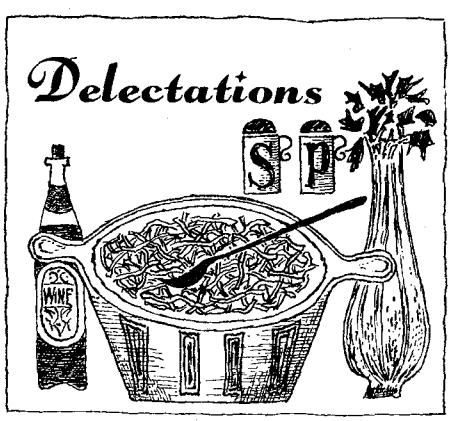
NIKA STANDEN HAZELTON

Amorini (little cupids), *canneroni* (big reeds), *cappelli di prete* (priests' hats), *cappelli pagliaccio* (clown's hats), *conchigliette* (little shells), *creste di gallo* (cocks' combs), *elettrici rigati* (grooved electric ones), *farfallette* and *farfalloni* (little and big butterflies), *fidelini* (little faithful ones), *fusilli* (spindles), *lancette* (little spears), *lasagne* (probably from the Latin *lasanum,* a pot, described in the dictionaries as "the container for the contained"), *linguine* (little tongues), *lumache, lumachine, lumacone* (snails, little snails and big snails), *Margherite* (after a now dead Italian queen), are but a few of the hundred-odd names the Italians give to the various offspring of the pasta family. Their cozy quality shows that the Italians and their pasta are indeed close.

A misty and spurious legend has it that Marco Polo, who must have traveled with the kitchen sink as well, brought macaroni back from China, where it was well known. But Professor Giuseppe Prezzolini, a learned lecturer at Columbia, says that macaroni was well enough known in Italy around 1200 A.D. and he quotes a document, the "Life of the Blessed Hermit William," which says: "He invited William to dinner, and served macaroni."

The word "macaroni" is also obscure. It may come from the Greek word *makario* which means blessed, but only in reference to the dead, and *makaria,* food eaten in honor of the dead. As you can see, all of this is not only obscure, but very moot as well. Professor Prezzolini thinks that macaroni comes from the Mediterranean, and it is certain that the art of making and eating it has flowered for centuries in Italy. Poets wrote about macaroni; Boccaccio, in the *Decameron,* describes an idyllic country where no one works and all things are free, with a mountain of grated Parmesan cheese in the middle of it. On top of this mountain there are people who do nothing else but make macaroni, which they cook in capon broth and throw down to all who want it. Goldoni, the playwright, in his memoirs describes the blissful experience of tossing down three platefuls of the stuff and the Neapolitans have the proverb: "He fell into it like macaroni into the cheese," which is not surprising since Naples has been the macaroni capital of Italy since the seventeenth century.

All pasta is a most marvelous food stretcher, and the Italians are past masters of serving it with meat, fish, egg or vegetable sauces. They love it, as we all know, and have for centuries—except for a time in the Thirties, when *Futurismo* swept the country. *Futurismo,* or the thing of the future (a better future of course, or so people thought), embraced all



aspects of life in its zeal to get Italy away from the dead past and make it into a super modern country. Marinetti, a poet and chief prophet of *Futurismo,* was a very intelligent man who liked to tease. The reform of the Italian diet was one of his projects, and he declared war upon spaghetti. "Futurist cooking," he said, "will be liberated from the ancient obsession of weight and volume, and one of its principal aims will be the abolition of *pastasciutta* [all pasta dishes]. *Pastasciutta,* however pleasing to the palate, is an obsolete food; it is heavy, brutalizing and gross; its nutritive qualities are deceptive, it induces sloth . . . and pessimism."

Marinetti's complete futurist cuisine was something that would make even the hippies sit up. He combined ingredients for their shock value, such as cooked salami drenched in hot black coffee flavored with *eau de cologne.* All senses were to enjoy a meal; perfume was to be sprayed over the diners (warmed, so as not to chill the bald). The diners were also to stroke materials harmonizing with the meal—velvet or silk or steel —with one hand while the other held the fork.

Mussolini liked Marinetti, and evolved a campaign to improve the Italians in the bleak image of the future. No more German music or French food, no more alien words like sandwich (the Italian was *traidue,* between the two) and rice, which grows in Italy, rather than spaghetti made with imported wheat. Vast sums were spent on the *campagna del riso,* but the idea never took. The Northern Italians like their rice anyway, but all the others stuck by their pasta.

Pasta is ideal for the one hot meal at least everybody should eat in summer. A diet of nothing but cold foods is bad for the human frame, and it also induces melancholia; witness the hot food rushed to soldiers in the field. Pasta, all of it, is quick and easy to cook and to serve, and cheap as well, allowing one to put the saved money into excesses more amusing than family meals.

Since pasta is a carrier, let it carry what you like to eat in the way of sauces. But the pasta must not be overcooked; it should be a bit chewy, what the Italians call *al dente.* It must be cooked in lots and lots of fast boiling salted water, quickly drained, never, never rinsed, eaten at once and never reheated on hot plates so that it will stay hot. I still think the best of all pasta dishes is *all' Inglese,* that is, pasta with plenty of butter and freshly grated Parmesan. There is a world of difference in the Parmesan that is freshly grated, and the grating is no large chore. The cheese in hunks can be bought at all cheese stores and even in supermarkets, and a pound or so in the refrigerator is lovely security. For a dish of good, hot pasta, richly buttered and spread with masses of cheese, will cure any melancholy, and besides, the children will eat it without tears.

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FROM THE ACADEMY

The Sot: His Psyche or His Genes?

RUSSELL KIRK

Malt does more than Milton can/To justify God's ways to man." So sings A. E. Housman, in *The Shropshire Lad*. Men have been drinking more than they should since first they learned to ferment grain and grape. Why do men and women sink into debasing servitude to the cup that ought to cheer?

Mr. Patrick Frawley, of the razor blades and the automatic pencils, is striding into this realm of mystery. It is Mr. Frawley's conviction that most, or much, addiction to alcohol is of genetic origin, rather than psychological. The villain is not one's overindulgent or overdisciplinary mommy, but one's remote ancestor. Certainly the typical man of northern European ancestry does not behave so well under the influence of drink as does the modern southern European. If the cause is genetic, primarily, limitless hours on the alienist's couch will not redeem the lush.

Kirk

So Eversharp, Inc., hopes to market a new medicine, called Enzopride, extracted from yeast. (Scientifically put, it is diphosphopyridine neucleotide, or nicotinamide adenine dinucleotide.) This drug, developed at Shadel Hospital in Seattle and at Enzomedic Laboratories, Inc., is meant to provide a coenzyme which will metabolize alcohol and prevent "the chemical reactions that are the basic cause of progressive drinking." This year, the federal authorities will decide whether Enzopride may be sold generally.

What is the evidence for the theory to which Mr. Frawley subscribes?

Well, the farther north one goes, the harder and more disastrous the drinking. The Irishman drinks far too much, and takes the pledge and enters special hospitals, in repentance. The Scot is a ferocious and gloomy drinker. The Swede has to be rationed by his government. The German is obnoxious in his cups. The tipsy Russian thrashes his spouse. Even the Frenchman—particularly since he has had money to jingle in his pocket—destroys himself by liqueurs. These seem to be national curses.

But who has beheld a drunken Jew—a *jeu d'esprit*, as it is put in *Fractured French*? What Italian grows riotous or murderous over a bottle of wine? What Spaniard must rouse sluggish passions by tippling? The culture of the olive and the vine produce few boozers.

Some argue that these differences are cultural. The Italian child, for instance, is first introduced to a few drops of wine in a glass of water, and very gradually and temperately learns to enjoy a drink which, after all, is comparatively low in alcoholic content. Besides, the Italian and his Mediterranean neighbors mingle water with their wine commonly; even the libations to the gods, in classical times, were thus mixed. The habit has become characteristic of the people.

Yet perhaps what commences as the custom of a culture may be transmuted into genetic tendency. The folk of the damp and chilly North, in former ages, drank strong brew and distilled spirits to put warmth into their bodies, in a time when fuel was scarce. In the cities of our century, such stimulus to the blood is far less needed; but the craving for alcohol, particularly in an idle hour, may have entrenched itself in the race's genes.

Gin, Vodka Worst Offenders?

Historically, the subject is perplexed. We learn from the Socratic dialogues that Greeks often sank under the table, talking philosophy over an amphora; certainly the later Romans both ate and drank far too much, though they and the Greeks had no distilled spirits. Their descendants, or alleged descendants, are different, and pleasantly temperate, for the most part. On the other hand, one can cite instances of Northern drinkers who, if governed by strict morality or social inhibition, did not become addicted, e.g., the topers of Hawthorne's *Blithedale Romance*.

Also class, and manners, are involved. Today Scotch whisky is an international status-symbol, producing addiction by emulation; but in the eighteenth century, Scotch was drunk only by rude Highlanders who could get nothing better, while gentlefolk and burghers drank claret. "Claret for boys, port for men, brandy for heroes," says Samuel Johnson. He does not mention base usquebaugh, or whisky.

Gin and vodka seem to do the greatest damage. Cheap gin was the ruin of the lower classes in London of the eighteenth and nineteenth centuries; vodka besotted and brutalized the Russian peasant. Whatever the remote causes, peoples of the Cold Lands, generally considered, drink more than they should, and suffer dreadfully from it, in body, mind and character.

Mere laws are no remedy: reaction against the Volstead Act showed that. Besides, why forbid the temperate to drink in moderation, that the alcoholic may seek his pleasure behind shuttered windows?

Seebohm Rountree, the Quaker philanthropist, once approached the Archbishop of York with a petition for the establishment of compulsory abstinence in York. The Archbishop declined to sign.

"Why not, my lord?"

"Because, Mr. Rountree, I had rather see England drunken and free than sober and slave."

So I trust that Mr. Frawley's Enzopride will be as efficacious as he means it to be. (It is supposed to help those already addicted "by removing the accumulated toxic by-products from their body which contribute to their craving," as well as to reduce possible addiction among those not already quaffing too deeply.) No medicine can totally immunize a man against John Barleycorn; but there exist some prospects that those little genetic devils may be restrained by the humble yeasty enzyme.

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Literature and Politics

JEFFREY HART

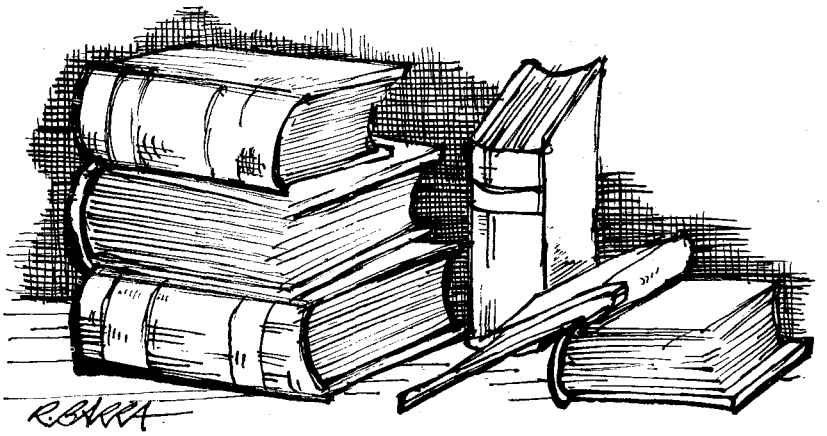
It is worth while for John Harrison, a young English critic, to have spoken out from a Left position concerning a matter which usually is brushed under the rug—the political emotions of the best modern writers, and, even more important, the political tendencies of their work. It is worth while because a deep contradiction exists in our literary culture, as comprised of writers, critics, teachers, and students, and it is all to the good that we reflect upon this contradiction. Harrison's book may inaugurate a very useful discussion.

On the one hand, the critics and teachers who deal with modern literature are for the most part liberal, and rather routinely so. No one who follows the quarterlies or inhabits an academic department will suppose that this is anything but a plain statement of fact. But, in wild contrast, most of the works they admire and teach are clearly hostile, in their over-all tendency, to such liberalism. Harrison discusses Yeats, Wyndham Lewis, Pound, Eliot, and Lawrence, but his list could have been greatly extended. To Kipling, for example. Or to Proust and James, who adored and luxuriated in all those social distinctions which liberalism hates. Or to Hemingway, atavistic in his fascination with bullfighters, warriors and violent death. Or to Conrad and the mariner's code; Faulkner and—of all things—Mississippi; Tate and Ransom; Frost, or Waugh, or Mann, drawn as he was to the discoveries to be made on the night side of life. How very little all this "goes with" the familiar temper of liberalism as encountered in the journals, the press, or the faculty lounge.

The Reactionaries, by John Harrison. Shocken Books, $6.00

A SERIOUS CONSIDERATION of this contradiction might well be the beginning of illumination, for awareness does characteristically arise out of a perception of contradiction. When two facts aren't compatible, there must be some *reason*: thus the mind moves on, as in Hegel's account of consciousness.

Harrison, however, does little more than view with alarm. If, say, Eliot and Yeats reject as inadequate—inadequate, that is, as informing a *Weltanschauung*—the optimism, humanitarianism, egalitarianism, and utilitarianism which come down to us from the Enlightenment, and which today constitute the liberal tradition, it does not occur to Harrison to inquire whether there might not, really, be something inadequate about these things. Instead, Harrison blinks, and concludes that the writers were cold-hearted and didn't like people, or else were "baffled by the complexity of the modern world." That is, Eliot and Yeats lacked the superior penetration which enables a Harrison, for example, to deal satisfactorily with that complexity. Characteristically enough, Harrison considers utilitarianism to be the "predominant thought of Western Europe"—and it is therefore not surprising that his catalogue of intellectual villains, and indeed precursors of fascism, includes not only the five writers he discusses at length but most of the writers and philosophers since the Renaissance who are worth reading.



Harrison's book points to an obvious conclusion, but it is not the one he draws. These great modern writers remind us, even when their opinions go astray—as they sometimes did, though not *that* often—of the things the liberal ethos leaves out, or else instinctively rejects as retrograde and unenlightened. It is the moral and imaginative things they actually responded to that are so important, the very things the liberal culture denigrates or rejects: physical courage, ceremony, discipline, religious transcendence, tradition (that is to say, paternity in the deepest sense), authority, autonomous (non-ideological) aesthetic joy, chivalry, moral hierarchy, knowledge of the darkness of the human heart. These are the things they know and recall to us. Harrison concludes that, on the whole, they were bad fellows.

THE WHOLE QUESTION of the relationship between literature and politics is, of course, a complicated one, and, since it is, Harrison bungles it. First, there is the question of the political tendency of a poem or a novel insofar as that can be defined. Most works do have a political tendency, though that is only one aspect of them, but there are some which do not, which are purely aesthetic, such as purely abstract painting, or the poetry of Marianne Moore; but

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even purely aesthetic works are political in a negative way, as the socialist-realist theory recognizes—they say that one need not be political, that, by implication, there are very valuable areas in which politics is irrelevant. Second, in addition to the political tendencies of imaginative work, there are the pronouncements an artist may make on general political principles; and there may be, too, his expressed judgments on current political issues.

In some artists, these various aspects may be consistent with one another, and the more of a "thinker" he is the more likely they are to be so. In Eliot and Yeats I think they are consistent. But sometimes an artist's political pronouncements may seriously conflict with the tendency of his work, as I think is the case with Hemingway, whose work is radically pessimistic and even "reactionary" in its concerns, and who was berated for years by the liberals for his "irresponsibility," but who, in the middle of his career, turned out a good deal of conventional left-wing journalism. When, as a novelist, he tried to give the Left what it wanted, *For Whom the Bell Tolls* turned out to be highly ambiguous.

Beyond these questions, there is the fundamental one of why we should be especially interested in a writer's political views. The answer to this must be that we assume that a man who is deeply involved with language is also involved with the values and the historical experience which condition the words we use, that his involvement with language is an involvement with the sources of our civilization.

OF THE FIVE WRITERS Harrison discusses, four had a serious interest in the political issues of the first half of this century. He quite rightly dismisses Lawrence, who had wild fantasies of personal leadership and blood sacrifice, as an *aficionado* of the private nightmare. But the others were quite different, and the whole question of the degree to which their political opinions were fascist is at the center of this book.

First, a quick summary of their relationship to fascism: Pound actively supported Mussolini to the end, and in fact beyond, beautifully eulogizing him in the *Pisan Cantos*; Eliot, while reticent, admired Maurras, who later supported Vichy, which cooperated under duress with Hitler, and, also, Eliot refused to come out against Franco in circumstances which suggested that he probably was for him; Wyndham Lewis praised Mussolini for a while, and wrote some famous articles on Hitler a couple of years before Hitler came to power, and for some years viewed both as anti-Communists making for stability; Yeats flirted with Irish fascism, and probably hoped Franco would win. To varying degrees, and for varying lengths of time, all viewed authoritarian nationalism as an alternative to Communism and/or social dissolution.

ALL THIS is very important, but Harrison makes a complete mess of it. There is for him only "the fascist cause," and "the intellectual foreign legion of fascism." One would think that to root for Franco in 1936 implied support for all of Hitler's enterprises. Harrison has no sense of history, and "fascism" for him is only an abstraction. Franco, to speak of one "fascist," was never expansionist, and never posed any threat to England; as a matter of fact, he probably kept Gibraltar out of Hitler's hands during the war. Also, it's a good bet that the Spanish Left would have been much more repressive than Franco had it won, and its social program would no doubt have been grimmer. In some places, Harrison seems to argue that the "reactionary" writers rooted for the Spanish Nationalists because they were cold-hearted and hated people; but elsewhere he argues that support for the Nationalists was very widespread in England both in the press and generally.

Turning to the other "fascisms," they too seem very different from one another. Furthermore, it is one thing to celebrate a dictatorship *per se*, as Pound sometimes did, holding it up as a model for other countries, but quite another thing to say, as many did during the Twenties and Thirties, that under certain circumstances some forms of authoritarianism are preferable to the other actual alternatives. Harrison is not careful enough about specifying exactly what, at various stages of the Twenties and Thirties, the alternatives were, or seemed to be. He gives some of the "responses" of these writers, but he does not have much sense of what they were responding to. It is by no means clear that under any circumstances a nationalist-authoritarian regime is the worst option of all: and indeed, we are backing many of them in the world today. We may usefully reflect, too, on the current situation in Greece, and speculate about the options for France after the death of de Gaulle.

Fiction

And a Cool Drink by the Hammock

GUY DAVENPORT

A BLONDE with an air of the professional about her is about to be picked up by a hesitant but determined teen-age boy. Anyone watching them, such as the amateur photographer a few benches away in the park, might find them the apt subject for idle philosophizing or for a candid shot. So the photographer makes his picture. The blonde wheels on him. The boy runs away. A man emerges from an automobile and draws near. The photographer asserts his right, in the face of their protest, to make pictures of public places. He develops the picture and finds it strangely interesting. He enlarges it and puts it on his wall, to study while he translates a lengthy book. Slowly the picture changes. Was the boy trying to pick up the woman, or the woman the boy? And who was the man in the car? Was the woman his pawn? Did the woman know the man was there?

At this point, the story, which is

End of the Game, by Julio Cortazar. Pantheon, $5.95

May We Borrow Your Husband? by Graham Greene. Viking, $4.50

It's an Old Country, by J. B. Priestley. Little, Brown, $5.95

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by the Argentine novelist Julio Cortazar, ends. All of Cortazar's stories end so—just at the acceleration of momentum. To make a brilliant movie of this story, which is called *Blow-Up*, Antonioni had to rewrite it as if it were by Henry James (the plots of novels are usually about fifty years in advance of the plots of movies). The mystery of the photograph had to be penetrated, and the photographer had to become a detective rather than a man permanently puzzled by a split-second of human behavior which his camera had frozen.

Cortazar—fifteen of whose stories are here translated by the poet Paul Blackburn—deals in the inexplicable and the unexpected. His stories are strangely asymmetrical, lacking a beginning or an end. As with his countryman Jorge Luis Borges, the conundrum is the essence, and the writer is not the explainer but the discoverer of the conundrum. A family retreats from room to room of its house, and finally into the street with a handful of possessions. A woman has a strange experience on a bridge, and has known all her life that she would have it. If Cortazar were not a poet, these puzzles would seem gratuitous and a bit cheap; but he is a poet and can manage the weather, the odd slant of light, the unfamiliar pace that make these stories so readable. Señor Cortazar is fifty-three. We should have known about him before this.

THE EPIGRAPH for Graham Greene's new collection of short stories is an exhortation by the Prime Minister of Lebanon, Sami-as-Sulh: "Cling to the virtues normally manifested by all Lebanese." Which leaves the judicious Lebanese to ponder what is virtuous, what is normal, and what is distinctly Lebanese. In these "comedies of the sexual life," as their author calls them, various English outside England cling to the virtues normally manifested by all Englishmen, with diverse results. Graham Greene wrote these stories in as frolicsome and bemused an attitude as the best English comedy can strike, and he has struck with *éclat*.

Comedy arises from the claims of nature on convention. That is one reason why these stories are about Englishmen at Mediterranean and Caribbean beaches, where the sun keeps sentiment within its oratorical mode, and nature that was so pharmaceutical, shy, and wrapped in English wool, seems to be as easy, and as serious, as a Rossini aria.

The slightest of these stories happens to be a diagram for them all. We are shown a turbaned and very nervous lady of the sun-tanned rich. The apple of her eye is her Pekingese, Beauty. In an unguarded moment Beauty escapes and makes for the more interesting streets of Antibes, where he inspects the trash-cans, finding a prize beyond price, a length of gut well seasoned in swill. He even finds beneath a vortex of flies a pile of ordure in which to roll by way of celebration.

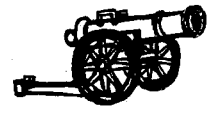
THE COMEDY of the passions is precisely that for the English mind they involve the depths. Brave them, and the spirit has her wings. Two honeymooning English, as beautiful as racehorses, are miserable, the one virgin, the other impotent, until the bridegroom is seduced by two interior decorators and thus apprised of his abilities. The story ends triumphantly; even the decorators have a commission to renovate the ancestral nursery. Greene has built his reputation on a knowing compassion, but it has always been his rich resourcefulness that has kept us reading him. It's sheer fun to see the author of *The Heart of the Matter* writing as if he were that chuckling old pagan Norman Douglas, producing as ridiculous a tale as he dare and with as straight a face as he can keep. Here is an Englishman killed by a falling pig, a policeman disguised as a German housewife, and much more, and all with a wide and very human grin.

J. B. PRIESTLEY (born 1894) keeps up up with the times. This new novel, his 55th book, is as sprightly and informed an account of mod London as one might expect of a novelist fifty years his junior. If it sometimes sounds like what Arnold Bennett might write about the Deutero-Elizabethans, it is plausible that Bennett would also have seen the new Corinthians as essentially a positive force. Froth settles in time, and ferment precedes distillation.

Mr. Priestley's plot is as old as Nabuchodonosor: a son searching for his father. But it works, and the search threads its way through God's plenty. Priestley's ear is as sharp as ever, ditto his eye. Here is English vulgarity as distinct in taste as a half best bitter, and eccentricity, villainy, sentimentality, love, surprises—all the tried and true *Schmalz* of the novelist's cookery, done and seasoned to a turn, and thoroughly satisfying. There is even one solitary naughty word, the sight of which in print would have turned Arnold Bennett raspberry, just to show the young whippersnappers. It has been said (with wild inaccuracy) that the Victorian novel had everything but sex and the modern novel nothing but. It is nice to have a Victorian still amongst us to even things out with an authoritative hand.

The Causes of War

THOMAS MOLNAR



THIS BOOK consists of two parts: form and content. The form reminds me of the immense and sad volumes students carry on campus: *General Psychology from Rat to Man*, or *The History of Mankind from Cain and Abel to the Red Guards*. There is simply no valid reason to write a book of 787 pages, except that it permits the author to add a somewhat pompous subtitle: "A Theory of International Relations." The style too is textbookish: verbose, saying in a dozen words what could be said in four, full of pseudo-learned terms like "ternary heterogeneity" and (with Heisenberg's naughty electrons in mind) "indeterminacy of diplomatic-strategic behavior." At one point Aron—quoting

Peace and War, by Raymond Aron. Doubleday, $10.00

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Max Scheler, it is true—lists "eight kinds of peace" with a straight face. He also italicizes passages as if they were Newtonian theorems: "I call an international system the ensemble constituted by political units that maintain regular relations with each other and that are capable of being implicated in generalized war." Before I proceed, let me, at any rate, exonerate the translator; he did *not* add to the boredom emanating from the original French!

Now the content. Raymond Aron is often referred to as the French Walter Lippmann. I don't think, even after this book, that he deserves to be that underrated. He is a man vastly more reasonable and sober than our own super-pundit, his judgments are never rash, his vision is not utopian. His shorter studies and his Sorbonne lectures on industrial society are serious, objective and courageous analyses. And *Peace and War* would have its own meaty conclusions were they not sunk in the fat of unnecessary material and erudite references. Aron, like his friend Sartre, suffered in his student years from exposure to German universities.

ARON'S LECTURES on modern industrial society attempted to prove a kind of Gaullist thesis: ideologies and loud programs are comparatively unimportant accompaniments of the effort to industrialize the nations, East and West; it is the industrial society, not the ideological one, which is struggling to be born. In the present volume Aron looks for the solid substratum of international relations. In a quiet, but regrettably all too professorish way, he disproves many of the liberals' assumptions and shatters their household notions. Overpopulation does not, by itself, lead to war; wars are not waged because of inequality of resources; if and when Europe unites it might be just as warlike as its individual nations used to be; it is a foolish assumption that industrial nations, as Auguste Comte or W. W. Rostow believe, have no military appetites; and so on. When the illusions evaporate, the sediments is left: international relations have a permanent character, more deeply rooted than the changing contingencies, even though the contingencies are the subject of so many learned but ephemeral dissertations.

The conservative reader can only applaud this restoration of a modicum of sanity. Conservatives have, of course, said it before, but reached only a limited audience, whereas publishers stand hat in hand to translate *Peace and War*, in spite of its bulk and verbosity. Should we not, precisely for this reason, suspect Aron of at least a dose of liberal illusions? I think we should. Let us look at an example or two of his methods.

After a detailed examination of conflicts and pacifism, based, as always with Aron, on a wide knowledge of past and present, he concludes on page 577 that "in the shadow of the thermonuclear apocalypse, as yesterday in the shadow of armored divisions, or the day before yesterday in the shadow of legions or phalanxes, statesmen or simple citizens must act according to prudence, without the illusion or the hope of absolute security." In previous passages he had made it clear

Random Notes

● BOOKS: Next on the RFK hate parade is Victor Lasky's *Bobby Kennedy: The Man and the Myth,* to be published by Trident this summer. Dozens of Bobbybooks are in the works, including Jack Newfield's for Random House, Dick Schaap's for New American Library. . . . *NR* regulars with forthcoming books: James Burnham, who discusses *The War We Are In* (Arlington House, September, $6); Russell Kirk, who co-wrote *The Political Principles of Robert A. Taft* with James McClellan (Fleet, September, $6.95); Alec Waugh, who presents *My Brother Evelyn and Other Literary Portraits* (Farrar, November); Ferdinand Mount, who mocks the sins and sillinesses of the English Establishment in a novel, *Very Like a Whale* (Weybright & Talley, September, $5); Francis Russell, whose 350,000-word *The Shadow of Blooming Grove,* first tell-all biography of Warren G. Harding, is moving toward publication despite a million-dollar lawsuit; William F. Rickenbacker, who ponders gold, the balance of payments and the future of the dollar in *The Money Managers* (Arlington House, early 1968). . . . Barry Goldwater's *People and Places* includes 45 photographs by Himself (Random House, November, $10).

New novels: Peter DeVries' *The Vale of Laughter,* about a suburbanite's nervous breakdown (Little, Brown, October, $5.95); William Golding's *The Pyramid,* about an Englishman (Harcourt, October); Gerald Green's *The Senator,* about nasty Washington, D.C. and with, uh, background provided by Drew Pearson (Doubleday, indefinite); Norman Mailer's *Why Are We in Vietnam?* about an Alaskan bear-hunt, Texans, an eighteen-year-old genius and other Mailerish things (Putnam, Fall). . . . Roosevelts are expected to hate Patricia Peabody R.'s *I Love a Roosevelt*: Elliot's second wife is less than kind to her in-laws (Doubleday, July, $6.95). . . . Field Marshal Viscount Montgomery (of Alamein) is writing an immense *History of Warfare;* World will publish here, sometime next year. . . . Juvenilia Note: Coming soon is a collection of T.S. Eliot's *Poems Written in Early Youth* (Farrar. August, $3.95).

● TRIFLES: Ralph Ginzburg ("If it's slick, it ain't sick") plans a new periodical, *Avant - Garde,* billed as "the first McLuhanistic magazine in America." Ho-hum. Meanwhile, this bit of McLuhanacy, courtesy of *Books*: "Twiggy or Bust!" . . . Timothy Leary will serve as consultant on things druggish to Otto Preminger for the filming of John Hersey's *Too Far to Walk.* . . . There will *not* be a film version of James Jones' *Go To the Widow Maker*; will be one of Arthur C. Clarke's sf novel, *The Alien,* to be co-produced by Peter Sellers and Satyajit Ray.

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that war is so much a part of the human condition that it even enters as an essential factor into his own definition of international relations. Yet, on page 703 he writes: "The horrors of twentieth-century war and the thermonuclear threat have given the rejection of power politics not only an actuality and an urgency, but also a kind of obviousness. History must no longer be a succession of bloody conflicts if humanity is to pursue its adventure."

Since the author, and this reader at least, agree all along that wars follow from the appetites of men and differences of power, the latter unavoidable except in a putative Marxist world-state of total equalization (in which wars would be called "elimination of remnants of the class enemy"), why suddenly this silly concession to utopia? It cannot be a *non sequitur* since Aron is a man of cool logic. It must be, then, a sample of liberal ritual; after performing a clean mental operation, the performer genuflects before the idol and says a short prayer. We find the prayer on page 786: " . . . nations will gradually surmount their prejudices and egoism, fanatics will cease to incarnate their dreams of the absolute in political ideologies, and science will give humanity, grown conscious of itself, the possibility of administering the available resources rationally, in relation to the number of the living." And he warns the reader not to smile at this prospect because humanity is still in its childhood: we emerged from the Stone Age just ten minutes ago and we built the Parthenon in the last two and a half—the well-known (and irrelevant) analogy popularized by H. G. Wells.

What prevents the next example from being a simple inconsistency is that here again there is genuflection to the liberal idol. Aron recommends that the West pursue a policy of supporting growth, even at ideological cost. Yet he declares that Portugal is digging its own grave in Africa. One wonders why, when studies by international bankers show not only the increasing strength of the Portuguese metropolitan economy, but also the country's ability to invest in its African territories, that is, on a continent where growth is quite a rare phenomenon.

Let us conclude. Aron has his prejudices, probably not so much his own as those of his milieu. One pays a penalty for a long-term friendship with a Sartre, or with an Eric Weil, whom he quotes as writing that "pure violence is no longer possible, and if it appears, it arouses united opposition." Yet, when everything is said and done, Raymond Aron is still an improvement over our Lippmanns, Fulbrights and Niebuhrs.

Movies

A Medley of Unsung Films

RICHARD CORLISS and PAUL JENSEN

INJUDICIOUSLY LARGE numbers of educated citizens have been seen in the past year at theaters showing the films *The Russians are Coming, The Russians are Coming; John F. Kennedy: Years of Lightning, Day of Drums;* and *The Shop on Main Street.* (That comes to three movies, incidentally, not six.) The temptation is strong to call these people liberal dupes, for they would not have queued to see these ultimately meretricious movies had not the liberal press, led by the *New York Times,* praised and promoted them.

These misguided souls, known as "informed America," have so often been cozened into accepting such cultural swindles as Anthony Newley's musicals, Marshall McLuhan's manifestoes, Phil Ochs' protest songs, Barbra Streisand's TV shows and James Brown's soul, that they now take the *Times'* pronouncements on new films as seriously as they do the paper's editorials. They read the books, listen to the records, and attend the shows only out of a sense of duty.

One might almost assume that since films given this hyperbolic treatment are such huge disappointments, all other movies are even worse. False assumption. There are, in fact, many films, excellently made by established directors, writers and performers, that for various reasons are neglected by both general and specialized distributors. Attention must be paid to these films, and so with the aim of provoking the curiosity of discriminating moviegoers three of these unsung and unseen films are herewith described.

Les Bonnes Femmes was made by Claude Chabrol in 1960 and released this year at a New York repertory cinema, where it played for two weeks. It may never be seen here again. Ironically, the film might have been profitable if its subject matter had been realized more blatantly. This fable of four Parisian demoiselles who ask only one thing of life—love—and get somewhat less in return might be salable as light comedy (which some of the film is), black comedy (which some of the critics took it to be), or exploitation material (which some of the scenes could have been). But *Les Bonnes Femmes* is far too funny, charming, tragic and graceful to be peddled in these ways. It is comparable only to Fellini's *I Vitelloni,* his best lyric statement.

The four main roles are not so much acted as danced. Bernadette Lafont is constantly ashimmer as a loose and vivacious girl, whose casual pickups turn boring, then boorish; Stephane Audren and Lucile Saint-Simon move casually and nervously in turn, the first as a mediocre part-time singer certain that her life is richer than her friends', the second as a girl engaged to a butcher's son who is, he thinks, a cut above her. The *prima ballerina* is Clothilde Joano, the most graceful of the group,

serenely sure that the young man watching and following her will eventually come and declare his love. Her hope is the highest, her fall the deepest. The man does declare his love, but not his intentions; it is a mark of the film's delicacy, and that of the pathetically happy girl, that her bucolic murder is not a grotesque dance of death but a wistful waltz.

In the epilogue we meet a lovely

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There's a funny thing about the American economy. Ask any two economists what makes it tick and you've started a debate.

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This is the astonishing power of the American consumer. He can make or break the largest businesses with a nod or a shake of the head. He has the choice. He has the ballot of the dollar.

That's why it is disturbing to find people of influence in America today who would like to make both free competition and free choice a little less free. They may concede that the system has produced some great results but they'd like to "fix it a little." There are too many kinds of olives, they say. Let's standardize. Company "A" spends more on advertising than Company "B", and that's unfair competition, they plead. Let's regulate.

Yet, our system was built on exactly the opposite kind of thinking. Regulation doesn't stimulate competition. It tends to make all products the same.

How much can you interfere with the competitive economy, which has brought us so many benefits, without damaging it? The truth is, nobody knows. The "Little" fixes may someday add up to quite a lot.

Of course, any economy needs some regulation— but let's be sure that we don't throw out the baby with the bath water.

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young girl, sitting alone in a second-rate dance hall, whose face tells us that she has the same aspirations as did the other *bonnes femmes*. A man asks her to dance and slowly, gracefully she joins him. We look into her face for thirty seconds (a slight smile), a minute (a brighter one), two (she is transcendently happy with the anticipation of love), and we pray that the film will end at that moment. Miraculously, it does. Director Chabrol has, we feel, saved this girl's life by petrifying it, and in doing so given us a heartening, heartbreaking experience.

I WAS HAPPY HERE, a San Sebastian Festival grand prize winner (retitled *Time Lost and Time Remembered*) opened in New York City and closed precipitately. Its rapid demise was surely due, in no small part, to a *New York Times* rejection slip that urged the reader, "Look the other way."

But this review could not have influenced opening-day audiences, and yet at least one performance ended with a surprising, if limited, chorus of boos. Apparently a segment of the audience was ready, even eager, to dismiss the picture completely. Since *I Was Happy Here* is a very well-executed picture, this reaction might result from the psychological nature of today's society. That is, the work deals seriously and sympathetically with human emotions, an approach rejected by our cold, cynical young swingers.

In attempting this kind of picture, director Desmond Davis must maintain a finely-balanced tone. At times he, or the script which he wrote with Edna O'Brien, falters slightly and a fragment of dialogue or characterization verges on obvious simplification; usually, he adroitly avoids the clichés waiting to spring out and devour the film.

This virtuoso work is technically noteworthy because it selects the style that best fits each particular scene. Confident of its material, the camera remains still and records a face, a reaction or a certain mood; elsewhere, it creates its own exhilaration through the visceral, but superficial, techniques inherent in the film medium. In this sense, *I Was Happy Here* skillfully blends the brilliant flamboyance of *Arabesque* with some of Carl Dreyer's perceptive observation.

Contrasts are drawn between seashore and city, youth and maturity, romance and marriage. The intercutting of these conditions with the young wife's present attempt to return to the scene, sense and relationships of her youth creates a complex narrative, yet the time manipulation is always clear and pertinent. While the acting, visuals and dialogue are all quite natural, they are also complemented by more than a touch of poetry. This combination is never photographically jarring, and it is traditional for Irish dialogue to "sing" now and then. The film's major theme (you can't go home again) has been encountered before, yet its people, feelings and sights are so well presented that complete novelty is not required.

FALSTAFF, Orson Welles' ninth film, and only the third to be released in the form he intended (the others: *Citizen Kane* and *The Trial*), was completed in 1965, but the film's producers were unable to secure a satisfying arrangement for American release until March of this year because Bosley Crowther didn't like it. Mr. Crowther's power, as movie critic for the *New York Times*, is unintentionally and unfortunately comparable to that of a Senate subcommittee chairman: if he approves of a film, it has a good chance of making money; if he doesn't, it may very well waste away unseen in the distributor's vault. Mr. Crowther saw *Falstaff* at Cannes in May a year ago and wrote home about it. Nearly a year later a minor distributor opened the film at a minor New York house, and the few viewers not intimidated by Mr. Crowther's blasts saw Welles' best film since the astounding *Citizen Kane*, and the first film of his that becomes a human experience.

It is readily conceded that his earlier adaptations of Shakespeare (*Macbeth* and *Othello*) were unsuccessful; and it must be admitted that *Falstaff* suffers from what may be called aleatory dubbing—the film does require substantial aural facility. On the other

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hand, Welles' famous ceiling shots are suddenly relevant and revealing in the mile-high castle interiors; his infamous weakness for untalented young actors is conquered in the choice of Keith Baxter (Hal), Norman Rodway (Hotspur) and Tony Beckley (Poins), for all give masterly performances: and the photography and editing are as strong, rough, grainy and adroitly assembled as the brick walls of those Spanish castles in which *Falstaff* was made.

John Gielgud (Henry IV) and Welles (Falstaff, naturally) are perfect rivals who never meet: Gielgud eloquently advocating the grown-up game of war, Welles championing sack and bawdry with gross vivacity. The film's high point is a stunning battle scene: at the charge, in long shot, we see the soldiers forming beautiful geometric patterns. But as the fight wears on and the camera closes in, the action becomes less heroic; the patterns are revealed as men, clumsy, breathing heavily, clubbing whatever is near, be it man, horse or corpse. Falstaff wanders about looking pathetically irrelevant. The fight is a portent of the time when Falstaff, the spirit of playful good-will, will be cast off and ignored. It could be said that that worthy man's plight is similar to that of too many good films which, ignored, suffer *Falstaff*'s fate.

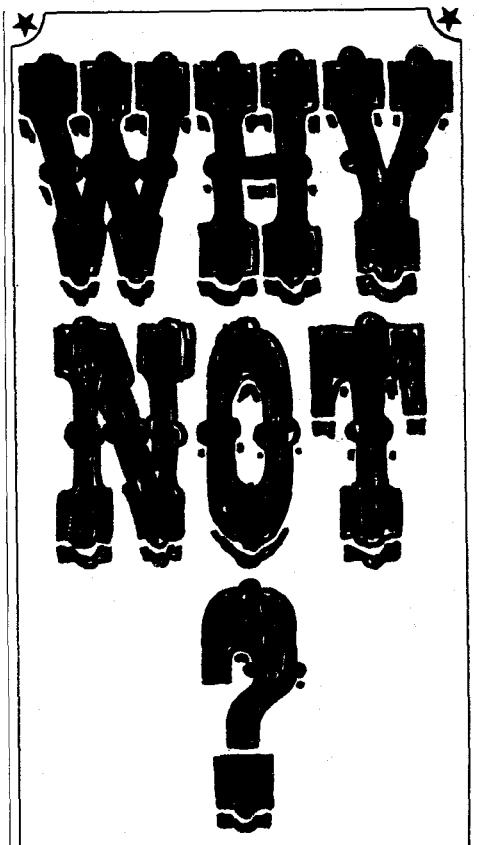
BOOKS IN BRIEF

MY FIFTEEN MONTHS IN GOVERNMENT, by Moise Tshombe (Bookmailer, $4.00). Non-ideological politicians have found the twentieth century a tough era in which to rise to power. And nowhere is the advocacy of an "ism" seemingly more important than in post-colonial Africa. In this remarkable little volume, Moise Tshombe has given us an interim political testament that establishes him as Africa's most realistic and genuinely African leader, while it simultaneously reveals the reasons for his inability to retain power. Written in a simple, sincere, and occasionally delightful droll manner, the book concentrates exclusively on Tshombe's fifteen-month tenure as Congolese Prime Minister, leaving his complete memoirs for a later time. It was Tshombe's misfortune to be a too-successful Prime Minister, thus incurring the enmity of President Kasavubu and occasioning his downfall. The reasons for Tshombe's success are readily apparent in this book: he never forgot that the real Africa is "the Africa of the peasants," no matter how high-sounding the great discourse of Westerners on the problems of development. At the same time he refused to develop an ideology that would satisfy the domestic and international intelligentsia: we must avoid accepting too easily "ready-made ideas which may be cleverly presented to us with excellent slogans, but which might involve us in more trouble than profit . . . after all, independence of mind is the most important of all forms of independence." If there is truth in the thought that people are ruled by the government they deserve, then there is no doubt that Moise Tshombe is simply too good for the Congolese.

J. BERNARD BURNHAM

THE QUICKSAND WAR: PRELUDE TO VIETNAM, by Lucien Bodard (Atlantic-Little, Brown, $7.95). An anecdotalist, Lucien Bodard is still capable of describing the events of the war in Indochina up to about 1950 so that they have meaning for today. He is enough of the journalist to seek the bizarre, and historian enough to remember the importance of accurate reporting. His account of that earlier war reminds us again of the courage and the errors of the French. It is a coldly detailed story of the terror and efficiency of the Communists. Bodard places at stage center the two chief protagonists, the French and the Vietminh, but the drama is overshadowed by the offstage Americans and Chinese. He recognized that the events in Korea would dominate the future of Indochina. When Americans failed to win there the threshold of possible failure in Indochina was reached. Bodard's sympathies are not at all with our contemporary "hawks" but his mocking, cynical account can be read with profit even by them. His conclusions do not follow inescapably from his facts; in fact, they seem to fly in the face of them. He provides, nevertheless, some idea of the political and military problems which made for French failure, a failure that was not inevitable.

W. D. JACOBS



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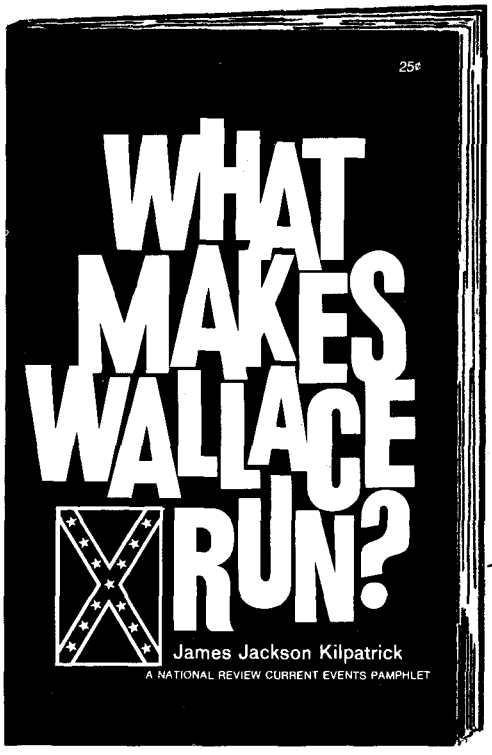

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TRANS-O-GRAM

by Svend Petersen

DEFINITIONS	WORDS
A. Julius Caesar's second wife	30 71 4 57 227 93 106
B. A type of footwear	35 159 126 177 201 16 54 69 103 121
C. A pharos	63 88 113 55 53 76 104 142 99 164
D. Lithospermum incisum	85 3 67 133 141 183 200 12 160 190 196 214 225
E. Members of the family Bovidae	96 204 36 215 116 194 114 77 102
F. The use of certain written symbols	108 147 171 198 157 209 62 81 95 134
G. It sounds like a loyal lass but it describes something made by certain workers	124 197 138 222 213 178 119 163 28
H. Mob from the other party that runs the commonwealth	143 109 8 17 20 39 60 162 182 206 212 23 32 94
I. What producers are in the Great Society	173 13 29 40 45 24 18 120 158 208 1 48
J. Musical instrument	180 148 79 168
K. A mounted courier	184 107 14 111 61 31 132 38 58
L. Something little children ride	195 5 9 153 174 110 202 218 90 224

DEFINITIONS	WORDS
M. To lure by flattery	211 44 65 219 129 152 161 34
N. A subdivision of a certain group of military officers	42 11 49 125 175 187 217 226 25 64 97 145
O. Surname of a character in Of Thee I Sing	46 7 41 70 75 84 117 130 137 169 179 186 188 216
P. Song title of a dozen or so years ago	56 78 92 105 115 2 15 22 47 37 149 172 191 205 26 43 176 72
Q. A recension of the King James translation of the Bible	122 181 50 52 59 66 146 170 185 199 33 73 80 91
R. In a manner not producing results	150 74 21 189 87 118 128 139 155 192 210 223 167
S. Uplifted	154 203 68 19 140 51 165
T. French marshal and diplomatist (1772-1851)	207 27 166 144 101 89 127 135 156 221
U. Scene of part of John H. Watson's The Valley of Fear	220 82 98 136 193 123 112 100
V. Implanted by nature	10 151 6 86 83 131

See page 773 for solution of last Trans-O-Gram.

DIRECTIONS

The object of TRANS-O-GRAM is to fill out the puzzle diagram by guessing the WORDS (above) from their DEFINITIONS, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled out it will spell out a quotation from some published work (reading normally from left to right, blank boxes indicating the end of a word); also, when the WORDS have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of Webster's New International Dictionary, Second Edition.

■	■	■	■	■	1 I	2 P	3 D	■	4 A	5 L	6 V	■	7 O	8 H	9 L	10 V	11 N
12 D	13 I	14 K	15 P	16 B	■	17 H	18 I	■	19 S	20 H	21 R	22 P	■	23 H	24 I	■	25 N
26 P	27 T	■	28 G	29 I	30 A	31 K	32 H	33 O	34 M	■	35 B	36 E	■	37 P	38 K	39 H	40 I
41 O	42 N	■	43 P	44 M	45 I	■	46 O	47 P	■	48 I	49 N	50 O	51 S	■	52 O	53 C	54 B
■	55 C	56 P	57 A	58 K	59 O	■	60 H	61 K	■	62 F	■	63 C	64 N	65 M	66 O	67 D	68 S
69 B	70 O	71 A	72 P	■	73 O	74 R	■	75 O	76 C	77 E	■	78 P	79 J	80 O	81 F	82 U	83 V
84 O	85 D	■	86 Y	87 R	■	88 C	89 T	90 L	■	91 O	92 P	93 A	94 H	95 F	96 E	97 N	98 U
99 C	■	100U	101T	■	102E	103B	104C	105P	■	106A	107K	■	108F	109H	■	110L	111K
112U	■	113C	114E	115P	■	116E	■	117O	118R	119G	120I	121B	122O	■	123U	124G	125N
126B	127T	128R	129M	130O	131V	132K	133D	134F	■	135T	136U	137O	138G	139R	140S	141D	142C
143H	■	144T	145N	146O	■	147F	148J	149P	150R	151V	152M	■	153L	154S	155R	156T	157F
■	158I	159B	160D	161M	162H	163G	164C	165S	■	166T	167R	■	168J	169O	170O	171F	172P
173I	174L	■	175N	176P	177B	178G	■	179O	180J	181O	■	182H	183D	184K	185O	186O	187N
■	188O	189R	■	190D	191P	192R	193U	194E	■	195L	196D	197G	198F	199O	■	200D	201B
202L	203S	204E	205P	206H	207T	■	208I	■	209F	210R	211M	212H	213G	■	214D	215E	■
216O	217N	218L	219M	■	220U	221T	222G	223R	224L	225D	226N	227A	■	■	■	■	■

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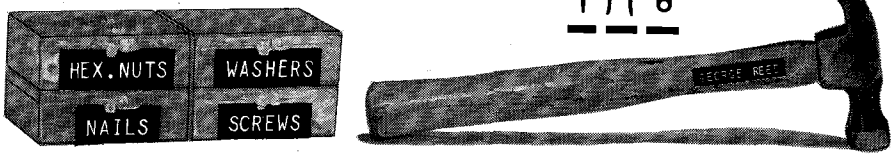
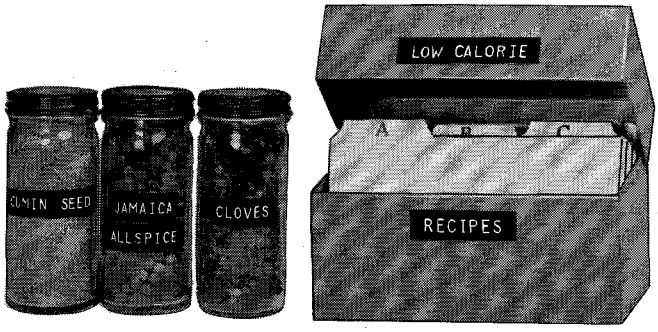
George bought it for his workshop...



...and told his wife!



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Red	QLT-5RD	Brown	QLT-5BN	Red	QLTJ-5RD
Blue	QLT-5BL	Orange	QLT-5OR	Blue	QLTJ-5BL
Green	QLT-5GN	Gray	QLT-5GY	Green	QLTJ-5GN
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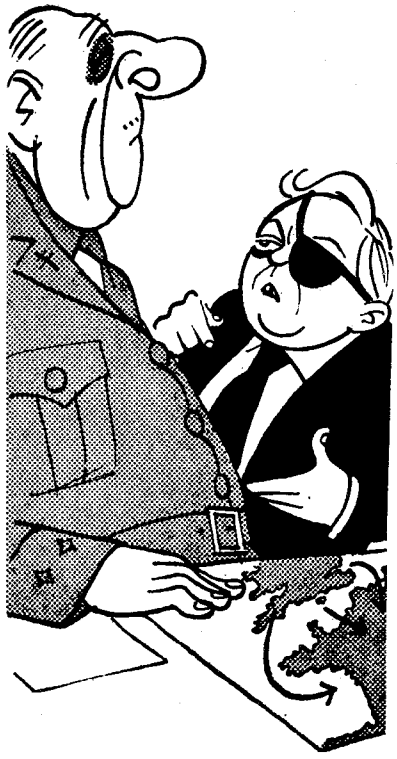
FOR THE RECORD

■ Cool it, baby: Responsible civil rights leaders shying away from **Stokely Carmichael. Floyd McKissick, Martin Luther King** and other black power-*cum*-Vietnik radicals. Says **Whitney Young** of Urban League: Young Negroes will not vote for a third party peace ticket headed by Martin Luther King. In fact, he says, LBJ has Negro vote wrapped up right now—regardless of whom Republicans nominate. . . . Liberal Atlanta editor **Ralph McGill** says bluntly that Carmichael's (and Rap Brown's) SNCC is "no longer a civil rights organization." . . . **Bayard Rustin**—hardly a moderate—says the "separatist methods of the Carmichaels are no help to the American Negro," who needs white allies; same point made by Sen. **Edward Brooke** to the NAACP convention in Boston last week.

■ Largely overlooked: **Nasser** blockade of Suez Canal means the long long way home for Soviet freighters carrying arms, planes and oil to North Vietnam. USSR believed to be contributing at least 70 per cent of Ho Chi Minh's war supplies. . . . On other hand, Iron Curtain countries do not face hordes of gasoline-hungry motorists. In 1965, of 19 million cars produced in world, fewer than half a million were built in Soviet and satellites. USSR has only 200 garages (as compared with 221,000 in U.S.); Moscow has eight (8) gasoline stations; USSR, largest country in the world, has only as many miles of paved highway as Michigan. . . . Despite heavy traffic around the Cape, South Africa reports no more than six-hour delay for freighters refueling at **Capetown,** never more than a day in **Durban**. . . . **Great Britain** has its gasoline ration cards all printed, just in case; **France** (not on Arab boycott list) has already raised the price of gasoline.

■ Please note: Seven GOP liberal congressmen who joined Massachusetts' **Brad Morse** in proposal for gradual limiting of North Vietnam bombing last week were: **John Dellenback** (Ore.), **Marvin Esch** (Mich.), **Frank Horton** (N.Y.), **Charles Matthias** (Md.), **Charles Mosher** (O.), **Richard Schweiker** (Pa.), **Robert Stafford** (Vt.). New York's **Ogden Reid** (ex-ambassador to Israel, ex-head of *Herald Tribune*) didn't join them because he felt they didn't go far enough. . . . Latest Democratic congressmen to join ADA-pushed Negotiation Now!: **Richard Ottinger, John Dow** (N.Y.), **Edward Roybal** (Cal.). . . . Dr. **Benjamin Spock** appears to have won internal struggle on direction SANE should take. Its program, Summer 1967, boils down to one issue:



Jon, Daily Mail, London
Ben Roth Agency

Vietnam. . . . Spock, by the way, in recent Los Angeles interview, refused to accept any responsibility for what's wrong with a generation reared to a large extent by his precepts.

■ If, as everyone is saying, **Kosygin**'s mission in Havana was to get **Castro** to go slow in subversion of neighboring governments, why were five of the nine Cubans in the Castro-Kosygin conference military men and guerrilla experts? . . . French Communist **Régis Debray,** captured by Bolivia with a bunch of Cuban-trained Bolivian guerrillas, claims he talked with **Che Guevara** in Bolivian mountains as recently as two months ago. Debray claims he's a journalist, not a guerrilla; there's been considerable pressure from **de Gaulle** on down to get Bolivian government to release him. . . . Interesting figure: Since Castro takeover in Cuba in 1959, U.S. private investment in Latin America has shrunk from $920 million yearly to $290 million yearly.

■ Mid-summer notes: **London Bridge** is for sale! . . . India is planning it so tourists can always see the **Taj Mahal** by moonlight (courtesy Thomas Edison). . . . **West Germany** will order motorists who hurt pedestrians to paint broad yellow stripe around their car for anything from six months to two years. . . . **Paris police** are giving up tagging foreign cars with parking tickets: instead they now place nicely printed note on windshield reminding tourists of parking regulations and wishing them a happy time in the City of Lights. . . . Safety Note: **Nasser** won't let tourists climb the Great Pyramid anymore (he loses four to five a year that way, and right now he needs everyone he can get). . . . And a store front in Carmel, California carries sign: "Teenage Spoken Here."

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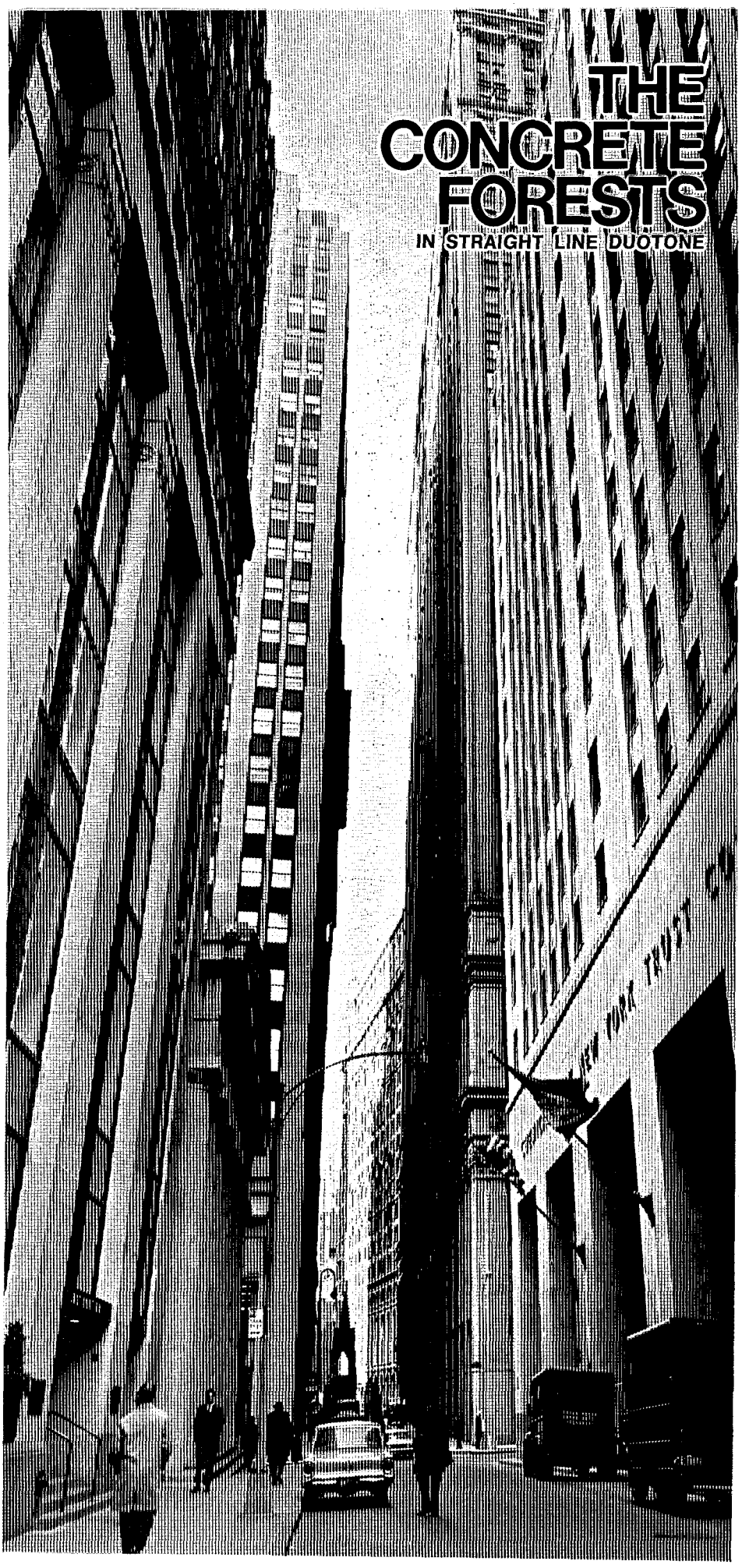

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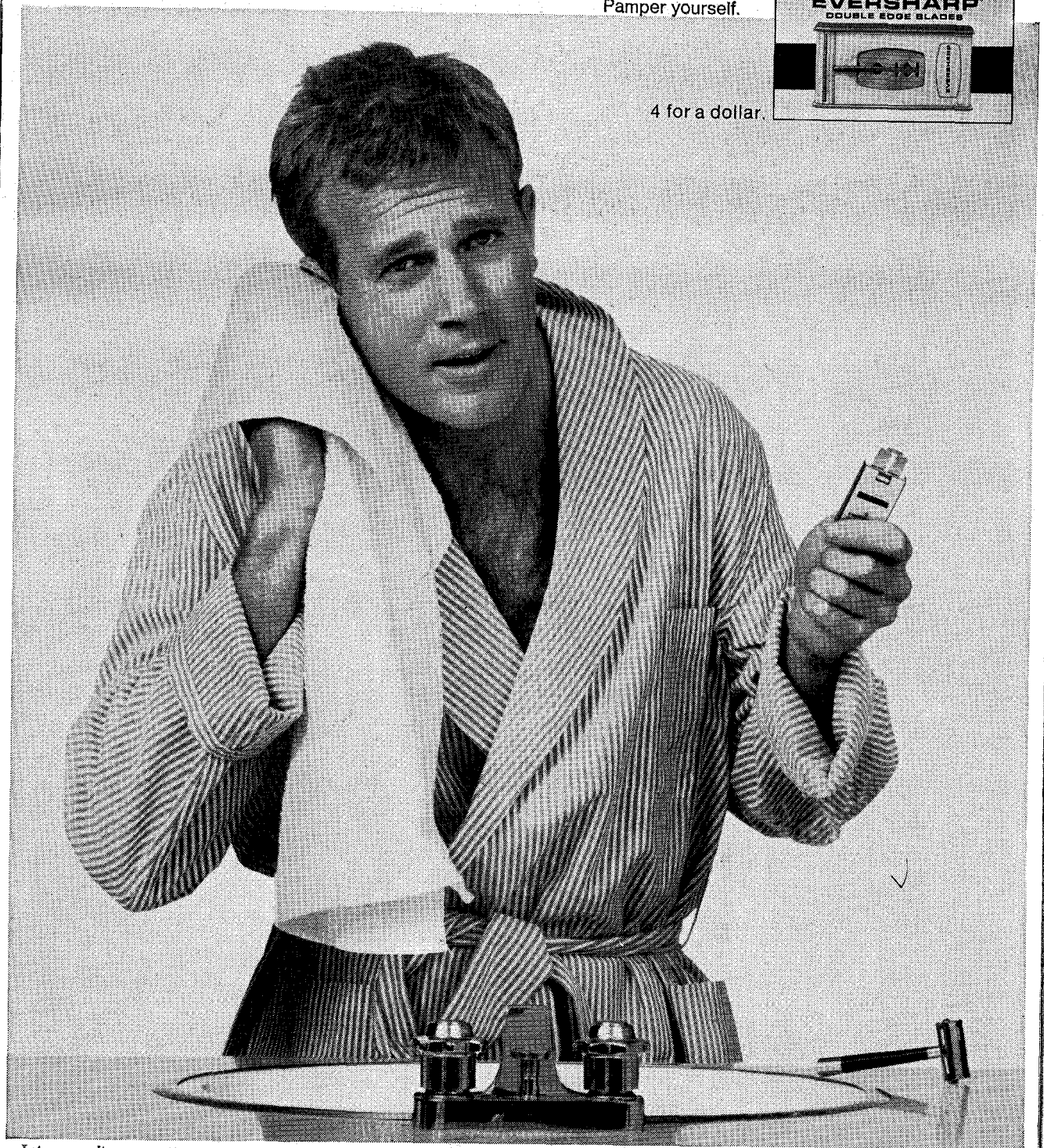

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